Manitoba Constitutional Task Force

February 11, 1991
Winnipeg, Manitoba

No. 9

Chairman: Professor Wally Fox-Decent

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MANITOBA CONSTITUTIONAL TASK FORCE

Monday, February 11, 1991

TIME — 10 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Professor Wally Fox-Decent

Members of the Task Force present:

Mr. James Carr (Member for Crescentwood)

Ms. Jean Friesen (Member for Wolseley)

Mr. Oscar Lathlin (Member for The Pas)

Hon. Darren Praznik (Member for Lac du Bonnet)

Mrs. Shirley Render (Member for St. Vital)

* Substituting for Ms. Jean Friesen (Member for Wolseley), Mr. Doug Martindale (Member for Burrows) until 3:45 p.m.

* Substituting for Hon. James McCrae (Member for Brandon West), Mr. Jack Reimer (Member for Niakwa)

* Substituting for Mr. James Carr (Member for Crescentwood), Mrs. Sharon Carstairs (Member for River Heights) at 3 p.m. until 4:35 p.m.

* Substituting for Mrs. Shirley Render (Member for St. Vital), Mrs. Rosemary Vodrey (Member for Fort Garry) at 3:10 p.m.

* Substituting for Mr. James Carr (Member for Crescentwood), Mr. Kevin Lamoureux (Member for Inkster) at 7 p.m.

* Substituting for Mrs. Shirley Render (Member for St. Vital), Mr. Edward Helwer (Member for Gimli) at 7 p.m.

Support Staff for the Manitoba Constitutional Task Force:

Professor S. Gallagher, Research Director

Kathleen Mico, Research Officer

Terry Simmonds, Research Officer

Vic Toews, Legal Counsel

Witnesses:

D. I. Cook, Private Citizen

Marilyn Gault, Manitoba Advisory Council of the Status of Women

Kathleen Beatson, Private Citizen

Doris Saunders, Private Citizen

Jean Carson, Private Citizen

Gordon McIlroy, Private Citizen

Lorraine Hand, Private Citizen

Gilbert Abraham, Private Citizen

Fred Cameron, Western Independence Party of Manitoba

Jim Finlay, Private Citizen

Bud Shiaro, Canadian Union of Public Employees

Walter Kozak, Private Citizen

Magnus Eliason, Private Citizen

Dugald Lamont, University of Manitoba Students' Union

Rupert Whitehead, Private Citizen

Stan De Groot, Private Citizen

Muriel Smith, Private Citizen

Vic Beaudry, Private Citizen

Karen Beattie and Sharon Blady, Rainforest Action and Information Network

Katherine Morrisseau-Sinclair and Edna Manitowabi, Abinochi Zhawaynkakozihwin

Leona Singer, Winnipeg Organization of Responsibly Disadvantaged

Jacqueline Fortier, Conseil Jeunesse Provincial

Bryan Schwartz, Private Citizen

Mary Green, Canadian Alliance in Solidarity with the Native Peoples

George Slivinsky, Private Citizen

Don Flatt, Private Citizen

Richard Rosenberg, The People's Voice

Harry Friesen, Private Citizen

Jim Silver, Private Citizen

Mark Grossman, Private Citizen

Patrick Newbound, Private Citizen

Matters Under Consideration:

Public Presentations—Manitoba Constitutional Task Force

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* (1005)

Mr. Chairman: Good morning, ladies and gentlemen. I apologize for a slightly late start this morning, but welcome you very warmly to our first extra day of hearings.

Having found that there were more people to present than we had time available, we scheduled today as an extra day. We will also be sitting tomorrow morning until noon here in the same room of the Legislative Building to finish off all those who were registered as of, I think, last Thursday. We probably still have a few people who we will not be able to hear. As I am sure you will understand, we have to arbitrarily stop the process somewhere. We made the decision that we would go until Tuesday noon tomorrow.

Those who have not been able to appear in person who might have wished to do so are, of course, welcome to write us. The address for sending any correspondence to us you will find in the pamphlet.

For those of you who are watching on television this morning, and a very warm welcome to you as well, I will give the address at the end of the session this morning, so that you will receive it over the air and be able to write us if you are watching on television and are so inclined.

The format for presentation is to be found in the pamphlet. If I may just iterate one point, and that is regarding the time lines for presentation. There is a 20-minute limit. There will be a bell ring after 15 minutes which indicates, obviously, you have 5 minutes left. At the end of your 20-minute time period, there will be a double bell ring which suggests that we would appreciate it if you would conclude your remarks.

Then there will be an opportunity for the task force Members to ask questions. Sometimes they do and other times they do not. If they do not, please do not assume that means that somehow your presentation has not received full consideration and has not received a level of interest sufficient to ask questions. Very often the presentation is perfectly self evident and the Members of the task force do not feel any need for clarification or for any amplification. On the other hand, there are occasions when they would like to seek some more information from you.

We will be beginning almost immediately with our first presenter, but before that I would with great pleasure introduce my colleagues on the task force who are with me this morning.

Start at the far left of the table, the Honourable Darren Praznik, who is the Conservative Member of the Legislature for Lac du Bonnet and is Minister of Labour among other responsibilities in the Government of Manitoba. Next to him is Mr. Doug Martindale, who is the New Democratic Member of the Legislature for Burrows.

On my immediate left is Mr. Jim Carr, the Deputy Leader of the Liberal Party in Manitoba and the Member of the Legislature for Crescentwood. Moving to my right, at the far end of the table is Mr. Oscar Lathlin, who is the New Democratic Member of the Legislature for The Pas. Next to him, Mr. Jack Reimer, who is the Conservative Member of the Legislature for Niakwa. On my immediate right is Mrs. Shirley Render, who is the Conservative Member of the Legislature for St. Vital. I am Wally Fox-Decent.

* (1010)

We move to our first presenter, ladies and gentlemen, Mr. D. I. Cook. Good morning, Mr. Cook.

Mr. D. I. Cook (Private Citizen): Good morning, Mr. Chairman, Members of the panel, ladies and gentlemen. I am making this presentation as a concerned Canadian citizen. I am not an expert on Government and will not attempt to solve all the problems facing our country today, but I would like to comment on some of the hopes and concerns that I have for the future of our country.

1. Equality of all citizens. I do not believe that any group or area of our country should be singled out for special treatment. Catering to special interest groups is not in the best interests of Canada. The use of Government funds to maintain immigrant culture in our midst is only retarding their integration into our society and our country.

2. As Canadian citizens and residents of Manitoba we must intercede to prevent the present federal Government from surrendering powers to any province that would lessen its capacity to provide a strong and cohesive central Government for the benefit of all of our citizens.

Someone must spell out the costs of separation to the Province of Quebec and indicate to them how separation would weaken not only Quebec but the remainder of Canada. If separation occurs we would have two much smaller economic units that would be less able to survive in the larger world economies that are emerging today.

Separation cannot be carried out without very real damage to our economy, plus the creation of animosity that will last for many years. The division of assets cannot be carried out in a spirit of good fellowship, and the larger partner in the negotiations will not be generous.

We cannot allow Quebec to determine the role that our federal Government will play in our lives with or without separation, nor do we want to be dominated by Alberta or Ontario in any new federation that might emerge. The proximity of Ottawa to our two most powerful provinces has mitigated against equality of treatment for western Canada. Some means must be found to equalize the rights of all our people, irrespective of where they live. Equality can only be assured by a strong central Government.

Constituency associations—autonomy of the constituency association must be assured. Our Members of Parliament must respond to the demands of their constituents and not be controlled by the Party Leader. At one time the constituency association was completely independent, and the nomination of candidates was not controlled by the Party headquarters. We must return to that system.

The Senate—I am in favour of an appointed Senate that would represent regional or provincial interests. I would like to see equal numbers of senators appointed from each province. They would have a responsibility to represent the interest of that province or region. They would be appointed by consultation between the provincial authorities and the federal Party in power.

* (1015)

Thank you.

Mr. Chairman: Thank you, sir. Mrs. Render has a question.

Mrs. Shirley Render (Member for St. Vital): Mr. Cook, I am interested in your comments on the Senate. We had many of our presenters say that something has to be done with the Senate. I see that you have made one suggestion for a change, that there be equal numbers of senators appointed from each province.

I am interested in the fact that you have retained the idea of having senators appointed. What is your rationale with keeping sort of the same set of rules, so to speak, as now when there has been a fair amount of dissatisfaction.

Mr. Cook: Well there are many, many people who have played an active role in the public life in the province or in various parts of Canada who are responsible people, but who have never been involved in the political process as such, and I would like to see some of those people have the opportunity to sit in the Senate, not to have it as purely a political reward for service to the Party, but somebody who is independent of a political process. I think we would get better representation that way, and I am not convinced that electing people to the Senate is the right way to go.

Mrs. Render: Who would have the ultimate authority? I see you say that the senators would be appointed by consulting between both the provincial and the federal Party in power. Who would have the ultimate authority of choosing the individual senators, the federal Government or the provincial Government, or would it be strictly by consensus between the two of them? Is that what you are saying?

Mr. Cook: I would say it would be by consensus. I do not think that either one—in other words, they would have to agree up to a point anyway that such and such a person would be in the best interests of the country.

Mrs. Render: Okay, and if I could just expand that one more step, what powers do you see the Senate as having? The same as now, or do you see an increase in powers or a lessening of powers?

Mr. Cook: I do not really see major changes, except that I still think the Senate has a role to play to review the legislation that comes through from the House of Commons. They talk about the sober second thought, well I still think there is something to be said for that kind of concept.

Mrs. Render: Thank you very much.

Mr. Chairman: Any other questions? Mr. Martindale.

Mr. Doug Martindale (Burrows): Thank you for your presentation and for taking the time to come. Under number one, the equality of all citizens, do you think that we now have equality because of the Charter of Rights and Freedoms?

Mr. Cook: Well, the federal Government in particular has tended to respond to pressure groups, to minority groups. They should pay attention to them, I agree, but they should not favour them over other people in the country.

Mr. Martindale: So you would be opposed then to affirmative action or funding for heritage language education for example?

Mr. Cook: Yes, I am opposed to all kinds of funding. If a group wants to do something they should provide their own funds.

Mr. Martindale: So you think that Canada is somehow weakened or lesser or something because we emphasize the fact that we are a multicultural society.

Mr. Cook: It is more divisive, it tends to segregate people and separate them.

Mr. Martindale: The alternative that you would propose, would it be more like the American melting pot concept?

Mr. Cook: Well, the melting pot does not have the bad image that a lot of people—to me it does not have a bad image. I think it ultimately has a good image. I know that a lot of people in the social sciences say it is a bad thing, but I do not agree with them.

Mr. Martindale: Okay, under constituency association, I take it that you would like Members of Parliament to not only be more responsive perhaps to vote more independently rather than voting the Party line?

Mr. Cook: Yes, that is correct. I feel that a Member of Parliament who is away from say western Canada for five years in Ottawa tends to lose some contact with his constituents. He tends to be more responsive to the Party in power, particularly the caucus, and I would like to see more independence on their part.

* (1020)

Mr. Martindale: If I can use the analogy of City of Winnipeg Council when, for example, if there was a high tax increase, would you know which councillors were responsible for that, or who to hold accountable, or who to blame under the current set-up?

Mr. Cook: Not unless there was a recorded vote and it was published in the newspaper, I would not know.

Mr. Martindale: Most of their votes are recorded, but do you think the public is aware of who takes responsibility for those majority decisions?

Mr. Cook: Not particularly.

Mr. Martindale: Do you think there would be any improvement for Members of Parliament if they all voted independently, given that there may be hundreds of votes in a Session?

Mr. Cook: Yes. After all, they are elected to represent their constituents, and the further away you are from Ottawa, the more difficult it is for the constituents to make known their wishes. I think it is most important that information be available.

Mr. Martindale: Thank you.

Mr. Oscar Lathlin (Member for The Pas): Sir, I also would like to thank you for coming here and giving us your views on Canada's future. Two questions I wanted to ask you, and that is, according to your paper here, you are in favour of a good, strong central Government, because you see that as benefiting all our citizens in Canada. I am just wondering, what areas are you talking about in terms of areas that would benefit Canadians?

Mr. Cook: Well, I particularly think in terms of equality, because I have felt that both Quebec, in particular, and Ontario, to a lesser extent, have had an undue influence on the Government of Canada.

Mr. Lathlin: Okay, what about surrendering powers to any province? What kind of powers are you talking about?

Mr. Cook: I do not wish to see powers surrendered to other provinces. I think it is necessary that the federal Government retain those powers that they presently have.

Mr. Lathlin: Can you give me some examples?

Mr. Cook: Well, for example, I noticed the federal Government the other day was surrendering powers of immigration to Quebec and paying them along with it. I still think that is the function of central Government—to control immigration, the same as they control monetary policy, defence, many other areas. I am not really prepared to detail all these things, because I have not thought it out to that extent, but I agree that for the benefits of the people, in Manitoba particularly, we need the strong central Government.

Mr. Lathlin: In view of your view, I guess, on equality, sir, what are your views on aboriginal people, whom I call the first citizens of Canada, and their aspirations for self-determination?

Mr. Cook: I do not agree that there should be self-determination, but I feel that aboriginal people have been misused. The whole thing has been mishandled from start to finish. You cannot just go on and on and on, and throwing money at it does not cure it. I think in the long run the salvation of the aboriginal people is to become part of our society the same as everybody else.

Mr. Lathlin: But, sir, do you not think that we, our Governments or Canadians, society, should right

some of the wrongs which have been inflicted on aboriginal people?

Mr. Cook: Well, if you go back in history, you will find out that people have been wronged and they have been displaced and all kinds of things have happened to them in the past. Many of the people who came to Canada from other countries have been displaced through sometimes economic displacements, sometimes it is cultural. Most of the people who settled Ontario, for example, well, we had the Empire Loyalists. They were first. They were displaced in the U.S. because they did not agree with what was going on there. Northern Ontario was settled by Scotch and Irish people who left there because they were put out of their homes in many cases or economically could not survive. They had to make a change and they did it.

* (1025)

I do not think there is any use worrying about past wrongs. I am very concerned about the money that is being put into the northern areas which are not viable and have no hope of success. I am talking about where the Indian people are living. For example, you go 50 miles out of Winnipeg, there are towns being abandoned because they are no longer economically viable. There are only a few people left in them and that process is going to happen in the northern parts of Manitoba, as well. We have to rethink our whole approach to this subject.

Mr. Lathlin: Thank you very much, sir. The last statement I just want to make is I do not think we can deny history. Thank you for your remarks. I appreciate them.

Mr. Chairman: Thank you very much, Mr. Cook. The Manitoba Advisory Council on the Status of Women, represented by Ms. Marilyn Gault. Good morning.

Ms. Marilyn Gault (The Manitoba Advisory Council on the Status of Women): Good morning. Mr. Chairman, Members of the task force and ladies and gentlemen. The Manitoba Advisory Council on the Status of Women is an arms-length Government agency with a mandate to present to the Government issues of concern to women. As such, we are pleased to present this brief today. We wish to reiterate the concerns expressed by women and women's groups at the previous Task Force on the Meech Lake Accord and again at the Charest committee hearings.

As we began to prepare this brief, we were filled with an impending sense of doom as to the fate of the country we have known as Canada. It is as if what had formerly been only a nightmare of a shattered Canada, a nightmare from which we would awaken, is bit by bit becoming a reality.

When travelling abroad, being identified as Canadian has always been important. Why so? We often do not stop to think of why it is important to be able to say that "I am a Canadian," or what this signifies. It seems to me that, in Canada, we have always had, at least in some measure, a sense of responsibility toward other Canadians. Heaven knows, we have not always lived up to this responsibility, as evidenced by our treatment of the aboriginal peoples, of immigrants and immigrant people and of the homeless, but we do believe and pay for medicare so that every Canadian is entitled to medical treatment. We believe that education is a right of all citizens and make at least a gesture toward equalization of opportunity for post-secondary education. We have a Canada-Quebec Pension Plan and Old Age Security. All of these programs are there because we have a sense of caring about all Canadians.

We are here to represent the concerns of women of Manitoba, because women—the elderly, aboriginal, immigrant, single parents, homemakers and disabled women—make up, by far, the majority of Canada's poorest citizens. We are appalled at the prospect of a further erosion of national programs. If we lose the avenue for setting national standards, and cost sharing is even further eroded, women will become even poorer than they are now.

As a have-not province, Manitoba is in no position to take up the financial slack to keep these programs going. Canada assistance programs, cost sharing for health and post-secondary education have been Canada's way of ensuring that Canadians have equal access to basic programs. As the economy worsens, more and more women are having to enter the labour market in order to feed their families. The lack of affordable, accessible day care for many families make labour market entry a difficult process for women. Will we ever have a national day care program if we do not retain the strong federal Government?

* (1030)

The Advisory Council is very concerned that the powers of the Charter of Rights and Freedoms not be abrogated by any kind of constitutional reform. During the early 1980s, women fought long, hard battles to achieve equality for women and men before and

under the law. The Charter's inclusion in any future Constitution absolutely must be a given. This point has been made time and time again by women across Canada, so we simply state that the Charter of Rights and Freedoms must be included in any future constitutional legislation, and its terms must be paramount.

The Manitoba Advisory Council on the Status of Women views with alarm the news coming out of Ottawa that an army of bureaucrats has been charged with designing a new Constitution for our country. Who are these people? What are their priorities? What instructions have they received, and why are we here today if they are coming up with a constitutional proposal down there in Ottawa?

Just recently, the Advisory Council, along with the Junior League of Winnipeg and the Secretary of State, sponsored a conference called Winning Women: Power and Ethics. One of the fascinating and major areas of discussion resulted from asking the question, do women bring a different ethical perspective to decision making than do men? If so, would it make a difference to have more women in decision-making roles?

The consensus from these discussions was that women do approach decision making from a different perspective. Women, in general, are concerned with and strive for results that meet the needs of all of the players and, further, that when there was a critical mass of women involved in the decision making, that decisions were made differently—more of a consensus than an adversarial role as we have witnessed in the past.

So to add to the list of questions about new constitutional design, how many women are taking part? Who are they, and if women are not participating, why not? We now make up 58 percent of the population by the last census, and the Advisory Council would be very pleased to provide a list of women who qualify as constitutional experts.

The malaise that seems to be drifting across our nation today will not be cured by balkanization, by the creation of four regions or twelve little states. Not only will our national programs be impoverished, so will our cultural heritage, and so will Canada. Do these bureaucrats know these things? Can we think with pride of a country that does not include Newfoundland, or British Columbia or Quebec? Indeed, can we think of establishing barriers between us?

We do not know what the next round of talks will bring. The Advisory Council urges the task force and the Manitoba Government to ensure:

1. That cost-shared programs with national standards are not jeopardized by any new power alignments. We need a strong central Government with the capacity to initiate and implement national, social and economic programs designed to promote equal opportunity for all Canadians, and to redress regional disparities;

2. That the Charter of Rights and Freedoms is included in any new constitutional legislation, and that its power cannot be abrogated by any other legislation; and

3. That women, as well as multicultural groups, aboriginal groups and representatives of all Canadians are invited to the table of constitutional discussion. We do not want to be presented with another fait accompli.

Thank you for giving us this opportunity to share our concerns with your committee, and we wish you well in your deliberations.

Mr. Chairman: Thank you very much. Questions? Mr. Martindale.

Mr. Martindale: Thank you for your presentation. Two areas that I would like to comment on, actually a third area, but because I agree with you, I am having trouble thinking of a question. First of all, on the Charter of Rights and Freedoms, this is something that I feel strongly about, I belong to MARL and the Canadian Civil Liberties Association, and just on Saturday I gave a talk to a group about the Charter.

Now, I had assumed that the Charter was entrenched in the Constitution. I am not a lawyer, so I am concerned when I hear that you are concerned that somehow it might be lost or downgraded in some way, and I am wondering if you can tell me where your concern comes from? I presume you have legal counsel, who are part of your committee or helped write the brief, and maybe you can explain where your concern comes from?

Ms. Gault: Yes, of course we have received a great deal of advice from an organization known as LEAF, the Legal Education and Action Fund, a national organization that has several constitutional experts on their staff. The concern that the Advisory Council had and which we stated very emphatically at the last round and many times in the press, was that it was not stated in the Meech Lake Accord that the Charter of Rights and Freedoms was paramount. The wording

was very ambiguous, and we cannot establish our laws and our rights and our freedoms on ambiguous wording. The specific wording I cannot give you, but I can certainly send it to you, all of that information, and I would be pleased to do that.

Mr. Martindale: Okay, I think we would be interested, I would anyway, in receiving that. Secondly, for information, I should point out that I am substituting for Jean Friesen this morning, she was unable to be here, and that our caucus appointed one women and one man. I think your comments about the critical mass and the differences in ethical decision making are very interesting and apropos.

On the area of cost-shared programs, I agree with your concern, and I am wondering if you have this concern because you think that national standards are already being eroded or whether this is something that you fear for the future.

Ms. Gault: I think the answer is yes to both parts of that question. Many of the national programs that deal with the needs of women across the country have been reduced in their funding over the past several years, both federally and provincially. We see that, because of the economic downturn, this trend is quite likely to continue.

If women are to share and be equal participants in economics in this country and to have economic equality, then the programs must be there to allow them to participate in the labour market or in business. Women have always been left with the responsibility of the home and the children, regardless of whether the husband or father is still around. It still becomes for the most part, although it is changing, not fast enough, but it certainly is changing in some areas.

When women have that responsibility, the programs, the day care programs and other programs must be there to assist them, the education programs to allow them to upgrade their education and to become skilled in the new technologies and the new ways of doing business in the world today. Those things must be there for women, to the betterment of the whole country not only the women.

Mr. Martindale: Do you think that social and economic rights especially for women should be protected in the Constitution and if so how, or do you have any suggestions as to how to do that?

Ms. Gault: I believe that they are protected under the Charter of Rights and Freedoms. The document is around 10 years old now. In order for it to establish a great deal of influence in our society, many things must be challenged to the Supreme Court so that we get the decisions of the Supreme Court to guide the Charter of Rights as it is written. The precedence needs to be set in that way, so any constitutional document which comes forward must protect that Charter and indicate that the Charter is paramount over the Constitution.

Mr. Martindale: Thank you.

* (1040)

Mr. James Carr (Member for Crescentwood): Thank you for your presentation. You say that you want more participation from women, aboriginal groups and multicultural groups in the Constitution-making process. Can you give us some advice on how you think that ought to occur, beyond this kind of formal public hearing setting? Do you think that there ought to be a constitutional convention, an assembly of Canadians from people from coast to coast to meet and discuss our constitutional future? How can you give reality to the suggestion you make in the last page of your brief?

Ms. Gault: Well, of course, the ideal solution to the problem would be to see 50 percent of the Houses and the Legislatures across the country occupied by women and until that happens the actual representation is not there. We, of course, are doing everything we can to make that happen and we are making advances in that area.

Secondly, the Premiers of each province certainly have constitutional staffs and constitutional experts on their staff. Do they all have recognized women consultants, women that are recognized by the women's community? Do they have aboriginal people who are recognized by the aboriginal community to give them advice, on the multicultural groups, to give them advice from those constituencies? I think they do not, and I think they have to.

Mr. Carr: So you are talking about a network of advisers to politicians rather than a more populous grass-roots constituent assembly?

Ms. Gault: I think that the $10 million being spent on this Spicer commission could be put to much better use to women's programs is what I think.

Mr. Chairman: Any other questions? I take it, Ms. Gault, although it is not explicit in your brief, your view is that whatever may happen in negotiations with Quebec, it is essential to preserve a strong central Government for the purpose of the national standards assistance to programs, particularly help to have-less

provinces which comes from the reality of a strong central Government.

Your organization clearly is not taking a position on what Quebec's future should be, but you are taking a very clear position that whatever Quebec's future is, it must not weaken the powers of the central Government vis-a-vis a province like Manitoba.

Ms. Gault: That is right. Whatever Quebec's future is, it is Quebec's decision, and I think they are the only people to make that decision. Certainly we do not approve of any side deals that are made that leave Manitoba out and leave women in other provinces out. We do need the strong central Government to equalize the economic situation across the country, and Quebec must choose its own place in that system.

Mr. Chairman: Before you leave, may I just ask you to introduce the person who is with you?

Ms. Gault: Yes, and I should have done that before. Ruth Brown—Ruth Mitchell—I have known her for several years—is our executive director at the Advisory Council, but she changes her name from time to time as do I.

Mr. Chairman: And you remain the chairperson of the council?

Ms. Gault: Yes, I do.

Mr. Chairman: Thank you both very much for coming this morning.

The next presenter, Ms. Kathleen Beatson. Good morning.

Ms. Kathleen Beatson (Private Citizen): Good morning, Mr. Chairman, Members.

Mr. Chairman: Would you mind just pulling that gadget in front of you a little closer?

Ms. Beatson: All right. Is that better?

Mr. Chairman: That is better. Thank you.

Ms. Beatson: I speak today to the task force as a terribly concerned private citizen. My concern is for my country of Canada. I do not want Canada to break up. I want a unified Canada.

My second concern is that I do not want the province of Quebec to separate from Canada. The ramifications of such an act can only be speculated at, the future is unknown.

I believe all Canadians should search within themselves for solutions and let them be known at hearings, such as myself and other presenters have been doing here in Manitoba.

I believe in this last decade of the 20th Century that it is time for all Canadians to forget past wrongs, hurts and mistakes but to look forward to the future in the most positive manner to solve our constitutional problems, not only for the good of ourselves and our country but to uphold the excellent reputation we enjoy abroad.

It is time for all Canadians in all provinces to give to Canada, to forget about our own personal and provincial agendas and to bring back the province of Quebec into the Canadian family, that is constitutionally speaking, as a full and participating partner in all aspects of Canadian life.

I want the Province of Quebec to sign the Constitution Act (Canada Act), 1981-82. I would suggest a date of September 23, 1992, as the final ratification date.

I have lived in four provinces, New Brunswick, Quebec, Alberta and Manitoba. Also, I have travelled across the whole of Canada several times but not northern Canada.

Originally I was just going to cover the history of the distinct society in the province of Quebec, and the history of the constitutional development concerning the amending formula. However, as well as some history of the above two items, I am going to offer a solution to obtain Quebec's signature on the Constitution Act, 1982.

A fourth item is some comments concerning the myths around the Constitution amendment, 1987, Meech Lake Accord, and fifth and last, a proposed amendment to Part 5, Section 39, Clause 1 of the Constitution Act, 1982.

A solution to obtain Quebec's signature: I suggest a very simple proposal. From after July 1, this year, 1991, all the reports from all the task forces from across the country should be read as soon as possible by all 11 First Ministers. The Prime Minister should then call a meeting in Ottawa the first week of September, just after Labour Day. His opening remarks should be short, stating: let us forget past grievances, let us begin with a clean slate. He addresses Premier Bourassa: we, the First Ministers of Canada want your Province of Quebec to stay in Canada. We do not want you to leave. We are reaching out to you, Premier Bourassa, with an open hand. Please reach out to us in the same manner. Please consider the one condition we are suggesting to you to obtain your signature, recognition of Quebec as a distinct society. The 11 of us agreed in principle

at Meech Lake in April 1987; let us agree right here and now to sign Canada's first amendment.

Legislatures should be sitting by the middle of September and the minimum time for ratification is one year. Therefore, a suggested date of September 23, 1992 is not unrealistic, maybe a bit idealistic. If all of us, the political leaders and the private citizens, have or find the will, this solution could work.

A Short History of the Amending Formula: In 1867, to quote, no amending process is laid down in the British North America Act. From 1926 until 1982 at imperial conferences and federal-provincial conferences, in the former case, the British Parliament reserved the right to amend the BNA Act, and in the latter instance, unanimous agreement could not be achieved by all provinces.

Several initiatives have been made in the last 40 years to find a formula, such as the Fulton formula, the Fulton-Favreau formula, the Premier of Ontario John Robarts' conference, Confederation of the Future, in 1967, and the Bi and Bi commission headed by Jean-Luc Pépin and Robarts, out of which came the Victoria formula, which was rejected by the Premier of Quebec on June 23, 1971. It was known as the Victoria Charter.

The main point is that Canada has not stood still during the last 65 years, culminating with the repatriation of our Constitution after 115 years in 1981-82.

* (1050)

Canadians were in a happy and celebratory mood when the Constitution Act, 1982, was proclaimed by Her Majesty the Queen on April 17, 1982. To paraphrase from Her Majesty's speech that day: You Canadians have had many problems with the amending of your Constitution, now you will be able to amend your own Constitution. Here we are, nine years later, still not being able to amend our made in Canada Constitution.

I want to make some comments on the distinct society in the province of Quebec.

The Province of Quebec wanted the rest of Canada to recognize their distinct society as one of the five conditions to obtain their signature in 1987 to the Constitution Act of 1982. Their distinct society has long been recognized in the Quebec Act of 1774 and the Constitutional Act of 1791. These Acts still stand, but somehow, we Canadians failed last June, 1990, to acknowledge and recognize this fact.

The distinct society clause in the Meech Lake Accord does not give Quebec anything that they do not already have and, I believe, does not take anything away from the rest of the provinces. Their distinctiveness is one of the most sacred aspects of their culture.

Assimilation of the French-Canadians failed in the first 14 years after the conquest in 1760. Their will to survive as a distinct society has a long history, in spite of setbacks. Quebecers are to be admired that they have preserved their culture in the huge mosaic melting pot of the North American continent.

In comments that have been made on our two cultures from, this is Earl of Durham's "two nations warring in the bosom of a single state", in the early part of the 19th century, to G. F. Stanley's "co-existing to the dualism", and more recently Claude Ryan has said, "It is us against ourselves."

Canadians should capitalize on our differences and build on them for a better future for the whole of Canada with all provinces equal, recognizing the aboriginals as Canada's first people, then the French and English as the two founding peoples, and finally the new immigrant people who started arriving in Canada approximately 120 years ago.

I wanted to give just a brief history leading up to the failure of the Meech Lake Accord. The decision was made in 1982 to amend the Constitution. It was to be Quebec's round with its five conditions as set out in 1986, which the 10 provincial Premiers agreed to later that year.

After the acceptance of the agreement in principle at Meech Lake, Quebec, on April 30, 1987, it was signed in Ottawa on June 3, 1987, by all 11 First Ministers. Originally ratified by eight of the 10 provinces, which represented at least 24 million people, it was passed by the House of Commons and endorsed by all three Party leaders.

The only flaw I can see is not in the process, but in the additions which were allegedly added at the signing in Ottawa. The original purpose of the amending of the Constitution was beginning to get lost. I consider the failure of the passage of Meech Lake to be one of the worst things that has ever happened in Canada. It has left us on June 24, 1990, at an impasse, not that we cannot function as a country, but it has left us with so many items that need attention.

With the tabling of the Allaire report, we are now at a further impasse. Without Quebec's signature, we

can amend nothing. Here is my proposal for amending the Constitution Act, 1982, Part 5, Section 39, Clause 1, expiration should read three months instead of one year; and Clause 2, the expiration should read six months instead of three years. This is my own addition. Clause 3, in lieu of any change in federal and provincial Governments during the process of ratification, the signatures of the 11 First Ministers should be honoured by law.

To end, let us as Canadians build on what we have, not tear down, or one of us separate but then have to begin to rebuild. Constitutionally, we are much too fragile a nation to withstand such destruction in order to rebuild. We can build now with fresh, new and creative ideas.

I am just attaching the first five and a half pages to the report of the Special Joint Committee of the Senate and the House of Commons after they had their hearings after the Meech Lake Accord was signed in June of 1987.

Mr. Chairman: Thank you very much, Ms. Beatson. Any questions?

Mr. Martindale: Yes, thank you for your presentation. On page 5, the third paragraph, I notice that you are in favour of recognizing aboriginal people as Canada's first people, then French and English and, finally, new immigrants. I am wondering if you would be in favour of amending the Constitution to recognize those groups in the Constitution.

Ms. Beatson: I think they are already mentioned in the 1982 Constitution, multicultural groups and the aboriginals. I think perhaps, yes, if it does not spell out that they are Canada's first people, I would certainly recommend that.

Mr. Martindale: Thank you.

Mr. Chairman: Are there any other questions? Thank you again, Ms. Beatson, an interesting presentation which clearly suggests that we should do everything possible to accommodate the continuation of Quebec in the federal union—if I am reading you correctly.

Ms. Beatson: I think if we could do it in an uncomplicated manner that it would be easier for all of us to understand.

Mr. Chairman: Thanks again.

Ms. Beatson: Thank you.

Mr. Chairman: Ms. Doris Saunders. Good morning, Ms. Saunders.

Ms. Doris Saunders (Private Citizen): Good morning, Mr. Chairman, and Members of the panel. Thank you for this privilege.

Martin Luther King Jr. riveted the attention of Americans when he said: "I have a dream." That dream was for fair and equal opportunities for all blacks in the United States.

I, too, had a dream. It led to the conviction:

1. That we in Canada should speak with one voice of that which is good for Canada as a whole and not just for one of the provinces. Britain does not speak in terms of Hampshire, Herefordshire, et cetera, except in comic songs.

Let us look for a moment at our national anthem. The second line stresses unity: "True patriot love in all thy sons command." Fine, if true, but I have always been disturbed by the first line: "O Canada! Our home and native land!" How can the thousands of our immigrants sing that line with conviction? Perhaps, as the anthem has already been changed at least once, it can be changed again to read: "O Canada! Our home and favourite land!"

* (1100)

2. This leads me to ask if multiculturalism is a unifying or a divisive force. Certainly it enriches our culture, but do the members of these groups think of themselves as Canadians first?

The United States makes all immigrants take an oath to become Americans.

3. Our aboriginal peoples should be given, where feasible, their native rights and lands as promised. They are after all the original Canadians, but their recent demands for self-government are somewhat frightening. We need them to remain within the Dominion.

4. It is of paramount importance that nothing should erode our health care system, yet on the February 1 of this year, Bill C-69 gave the federal Government permission to reduce transfer payments to the provinces still more. Now, Ottawa pays only 38 percent of health care costs to the provinces which is down from 48 percent.

5. Old age pensions and the Canada Pension Plan should be preserved at all costs.

6. Canada Post services might still be improved. Faster mail deliveries would be greatly appreciated. Referring complaints as they have done to the Better Business Bureau will probably only add further red tape.

7. The RCMP not only guards and links our country together but is a colourful and indispensable body. I wish I knew more about CSIS and whether it is a good or a bad thing, but I do not.

8. Basic education, largely the responsibility of the provinces, in my opinion should fund all students, public and private alike. Those students wishing to enter private schools should then have the difference in cost paid for by their respective families.

9. Regarding human rights, the women's prison at Kingston should be shut down immediately. When death is preferable to life there, the women should be transferred to institutions closer to their homes.

10. The French question—the federal Government and the provinces should do all in their power to keep Quebec within the Dominion. We should not be too proud nor too prejudiced to value and praise the distinctive contribution to our culture that Quebec makes especially in such fields as literature, music, film-making, et cetera, et cetera. If Westerners did not care about Quebec and admire its language, why would they have enrolled their children in French immersion courses? The cynics say, of course, to get better jobs with the Government. I prefer to think that it is because parents realize the social and intellectual values of knowing at least one foreign language.

We should not only value Quebec for its culture. W. A. Wilson, a most thoughtful contributor to the Free Press, recently referred to a speech by Allan Taylor, Chairman of the Royal Bank, in which he said, "A divided Canada, like East and West Pakistan, would be economically and geographically diminished. Canada would lose its place at the economic summit table of the seven leading industrialized nations. Canada would lose its place in the G-7 group that sets the broad lines of global economic policy. Canada would lose its place in the Quadrilateral, the trade policy summit group of the United States and Canada, Japan and the European community. Canada and Quebec would both lose, period. A divided Canada would be poorer, in the spiritual as well as the material sense."

As I am in no position to refute these pessimistic utterances, I shall leave them with you for contemplation.

In conclusion, happy words, let us try to regain the pride in our country that we felt in Montreal during Expo 1967. Above all, let us never lose our identity by becoming an adjunct to the United States of America. I guess my dream has become a nightmare.

Thank you.

Mr. Chairman: Thank you very much, Ms. Saunders. Any questions? Thank you again.

Jean Carson.

Ms. Jean Carson (Private Citizen): Good morning.

Mr. Chairman: Good morning. Welcome.

Ms. Carson: Thank you.

I am that well-known character—an ordinary Canadian. I have no particular expertise and only a scanty knowledge of economics or politics. I am simply deeply interested in and currently deeply disturbed about my country. I think you should know how widespread is that feeling among all groups, including the old.

I am going to be repetitive, I am afraid, because I think we all feel the same things. I have little to say about Quebec or its needs. I would, of course, like Canada to remain a united country, but I cannot assess or prescribe for the Quebec problem. What I am speaking about is the country I live in, which I suppose must be referred to, regrettably, as English Canada.

It seems to me that country must decide how it wants to be run. First, like all the other speakers, I think it must have a strong central Government to protect the needs of the poorer provinces—Manitoba, Saskatchewan, the Maritimes—thus producing some symmetry of well-being throughout the country. There are the particular matters of medicare and education. They may well need close inspection in the area of expense, but they must remain available to all on the same level. Bilingualism and multiculturalism would also need close attention. My generation had little, in fact no access to the free lunch table. We worry about the extravagances, the deficiencies, the inefficiencies, in fact the need of those programs, in fact we worry a lot.

Next, because Canada's Parliament has never represented its citizens with any degree of equality it would seem there is a need for a reformed Senate to act as a counter balance. This is one of the few areas where we might draw on the American congressional system, where they have two senators from each state. We could have two senators, both men and women, I emphasize, elected from each province, producing a body which would scrutinize and sometimes reject legislation emerging from the House of Commons, the object being to maintain fairness and equality among the provinces.

You have had at least two highly-informed briefs on this subject, so I will not try to add anything, although I have lots of ideas, except that this projected body must be composed of highly qualified people. It must somehow command the respect not achieved by that circus today, and it must be achieved by any means possible short of their wearing a toga.

* (1110)

The big problem is under whose aegis these decisions should be taken. Those who should be eligible for that role are today clearly not. It would seem really to be a principal concern for a federal election, though that event is some distance away.

In any event, all the options must be studied and various methods proposed with the hope that some plan might emerge that even Quebec could talk about. As long as we all remember that, as the French themselves would say: On ne peut tout avoir, you cannot have everything.

Thank you for listening to this very sketchy presentation. I repeat, the only thing that induced me to make it is a deep concern for my country, Canada. Thank you.

Mr. Chairman: Thank you very much, Ms. Carson. Any questions?

Mr. Martindale: If you were to reform the Senate, what kind of powers would you give your reformed Senate?

Ms. Carson: I think the powers that I mentioned, principally are Parliament. As I say, the House of Commons has never represented all Canadians. There is a preponderance of Quebec and Ontario Members, and our concerns have not been noticed sufficiently. I would think of this—you know, the old story of sober, second thoughts, that these people might look at the legislation with a view to the fairness to all the country. If we had an equal number of representatives there surely they could make their voices heard.

Mr. Martindale: Would you then give the Senate the power to overturn or change decisions of the House of Commons?

Ms. Carson: I knew you were going to ask that. Yes I would, but I think there would have to be a further mechanism for occasions on which that was possible, areas in which it was possible. I do not know what those mechanisms would be.

Mr. Martindale: Thank you for your presentation.

Mr. Carr: It is nice to see you again, Ms. Carson. You say, at the beginning of your presentation, that you do not want to presume to make any suggestions about the province of Quebec, but let me push you a little further and see if you cannot give us some advice on how Manitoba wants to position itself as we begin to negotiate some kind of different arrangement with Quebec.

What is your preference if you are faced with the choice of arguing some kind of special status or asymmetrical federalism, as the scholars would call it, against the possibility of separation or digging in a firm position that we really do not want things any different than they are now? Which is the choice for you as you look ahead to the kind of Canada you think we ought to be building?

Ms. Carson: Well, I think there would have to be changes, but I have to go back further than that, and I presume this would be rather an unpopular statement to make. I do not think Quebec is nearly sufficiently educated as to what the rest of the country is.

I read a very interesting book by Ron Graham, called "God's Dominion," in which he studied religion across Canada and particularly, of course, in Quebec and the Catholic church, and pointed out that while that had been exploitative and dominating for many years, it was also a security blanket to have the church's approval. When that, the church domination, exploitation, approval, whatever you want to call it, was withdrawn, Québécois felt rather nude and they substituted this intense belief in the religion for their intense nationalism, which is also their security blanket.

I think you have only to listen to people who are knowledgeable about education in Quebec to know that Quebec, generally speaking—We are told we do not understand Quebec. I do not think Quebec understands the rest of Canada, and before you made any of the changes that you are asking about, I think that would have to be a first process.

Mr. Chairman: Thank you very much, Ms. Carson.

We are going to take a short break, ladies and gentlemen, before we hear the remaining presentations this morning. We will be carrying on till about 12:30, and then adjourning for our lunch break. We should be back in about 10 minutes. We look forward to seeing you then.

The hearing took recess at 11:15 a.m.

* * *

After Recess

* (1130)

The hearing resumed at 11:30 a.m.

Mr. Chairman: Welcome back, ladies and gentlemen, including those watching us on Videon and Cablevision. Our first post-break presenter, carrying on the morning agenda that started at ten o'clock this morning, is Mr. Gordon McIlroy. Good morning, sir.

Mr. Gordon McIlroy (Private Citizen): Good morning, Mr. Chairman. Ladies and gentlemen, the first thing I would like to do is to say this is the first time that I have appeared before such a distinguished group, and I want to make sure that my message is understood. The first thing I would like to do is to briefly introduce myself, because very often when I have sat in the audience and listened to someone else talk, I have asked myself, who is this person, and what axe does he have to grind?

Very briefly about myself—I am a third generation Icelandic Viking, Irish-Scotch, Winnipeg born, and I am a Canadian. I am a father of four healthy children—which I think is important because I still believe that the family is the foundation of society—who are fortunate enough to have, all of them, all four, university educations. My background is in business, with World War II experience as an RCAF pilot, I am currently 65-plus years of age, with white hair.

I attend the University of Winnipeg and the University of Manitoba. Two years ago I graduated from the University of Winnipeg with a degree in political science and administrative studies. One of the reasons why I went back to university—well, two reasons actually—I was tired of my children kidding me about not having a university education, and the second reason is I wanted to have a chance to think. I think that when you are working, and raising four children and my good wife, five people on the payroll, you are so busy with your head down you do not really have time to think. You do not really have a chance to look around the world and observe what is going on in the world.

The past four years I have had a chance at university to wander around the libraries and dig out and try to find some answers and open up some new windows for myself. The reason why I am really concerned about what is happening is I think, when I look back on my own life in the '40s during the war, the '50s, the '60s, the '70s and the '80s, that is 50 years of living, that our nation has spent a lot of time in talk, talk. Now, when I look back and I add up our performance in the last 50 years, I see a lot of good performance, but I see and hear a lot of talk.

I think I would like to suggest that after I give this presentation maybe I will leave a few ideas with this task force and possibly these ideas might filter through to Ottawa, that the time has come for us in Canada to take action. We have spent the last 50 years talking, and if you look at our track record—it was wonderful in the '40s and the '50s, we were right up there in the top four nations of the world, but we are slipping.

I would like to suggest in a nutshell that we prepare an agenda of priorities. By that I mean we as a nation determine what our priorities are going to be and start addressing them. We seem, as a country, to be bogged down in reports, and that is something I have learned in the last four years, because I have read a lot of these reports, Government reports. We have been doing a lot of paper chasing, and let us face it, we have some wonderful actors in our Parliament.

What I am proposing here today is an agenda of priorities. Our Governments, both federal and provincial, are constantly talking about cost cutting rather than focusing on making our present resources more efficient and revenue generating.

As I said earlier today, my background is business. When you look at a profit-and-loss statement or an income-and-expense statement, if you are a good businessman, you not only look at cost cutting, but you look at revenue producing. Not too many people understand the difference, but there is a big difference. Our greatest resource in Canada, bar none, is our human resource. Everyone here has heard that expression, but what are we doing about it?

Why do we not focus on producing a national, not a provincial, educational system that will produce graduates that can compete in this high-tech, changing, dynamic world that we live in today? We spend much of our time and efforts producing lawyers, accountants, and bureaucrats—that is, paper pushers—compared to scientists, engineers and people who focus on building transportation, communication and health support systems.

Now I did not bring statistics with me today to prove my point, but if you start taking a hard look at our

graduates out of universities, you will see that there is a disproportionate number of graduates coming out of our universities, our engineers and our scientists and our builders, compared to countries like Japan and Germany. Germany is already—let me give you a few examples—on the way to transforming its modern system of autobahns into smart, super highways that can regulate traffic flow by computer.

Our Trans-Canada, and I will not ask this panel how many of you have travelled across our Trans-Canada recently, and our VIA Rail, and I will not ask you how many of you have been on our VIA Rail, our rail system, but they should be on our Canadian priority agenda. Any first-class national country must have a first-class transportation system.

Let me give you another example. France, another high-wage nation, has provided a videotext system free of charge to all telephone subscribers. This nation has recently launched a computerized library and information bank designed to be accessible from every home and is aggressively training scientists and engineers. Think about it, think about it if you could dial for information and get first-class up-to-date information. France has already put in that system.

Japan is building a 250 billion fibre-optic network that by the year 2000 will carry video, voice and data around the nation up to 1,000 times faster than existing networks can.

About three or four years ago, I was very interested in satellite teleports, and I checked out Japan. At that time they had 80 teleports. Canada at that time, about four years ago, had three. It had one in Montreal, one in Toronto, and was thinking of building one in Vancouver. We still have not got one in Winnipeg.

The point I am trying to make about Germany, France and Japan is all three of these nations are spending significant sums of money on education, training and research and development. What I am saying can be substantiated by an article that recently was published in the Atlantic magazine. You can pick one up at your local newsstand this month because it is the February issue. The author, Robert B. Reich, teaches political economy at Harvard's John F. Kennedy School of Government. It is in this article that I am quoting about Germany, France and Japan.

* (1140)

Ah, you the audience say, an academic egghead, what does he know about the real world of compromise, politics, market forces, fiscal and monetary policies et al? My reply to this question is simple. Today our educational system has produced so many experts in so many fields that people we depend upon for leadership have tunnel vision rather than a wide-lensed global grasp of the world of change.

This is an economy that we are living in that is changing very, very rapidly, and it is too complex, it is too chaotic for the average leader to grasp. We need leaders that have a very, very broad base. People seldom stop to listen to the other side of the coin and weigh the pros and cons of what the other person is trying to explain of this.

The art of listening is very important. Our present agenda of priorities has two examples of our inability to listen to the other side of the coin, and the two examples that I brought here today, I am referring to Quebec, and I am referring to our aboriginals of Canada.

Let me deal very quickly with Quebec. We should act towards Quebec the same way as parents act towards a teenager who wants to quit school, leave home and get a job so that they can do their own thing. That is, we should tell the Quebecers that we love them, we will miss them, and the door is always open for them to return home. As parents we soon learn that giving in and constant appeasement leads to a breakdown in mutual respect.

Canada can be better served by focusing on its agenda of priorities than trying to accommodate Quebec. Now I am speaking from my own personal experience and this is just one person talking, but I have listened to 50 years of dialogue about Quebec. I listened to it during the war when we talked about conscription. I listened to it in the '40s and the '50s and the '60s. It has been 50 years of talk, talk, talk.

The time has come for Prime Minister Mulroney to establish an agenda of priorities and take action. For starters, let us make education a national priority instead of Quebec. Think about it. What is more important? Keeping Quebec in Confederation or seeing to it that we can remain a number one, competitive nation in the international world? Which is more important? Generating jobs, generating a standard of living for the rest of Canada or focusing on Quebec?

We should ask the aboriginals to accept the basic fact that the present system is not working out. You do that any time when you are negotiating with another person. If you say, look, this thing is not working, how can we make it work? They, like Quebec

want to separate. Let us give them what they want. Give them land, give them cash and most important, give them respect for their culture.

We should abolish all of the support systems that they despise and complain about: reservations, Indian Affairs Departments, schools and hospitals. Give them enough land, cash and respect, plus most important, let us quit treating them like children, treat them like adults. Let them go free and let them grasp the basic fact of life that they have to accept the responsibilities that go along with their freedom, as many successful aboriginals will attest to.

Talking about successful aboriginals, within the last 10 years, I was asked as a consultant to help some Indians build a winter road up the east side of Lake Manitoba. I am not talking theory. I spent many hours sitting in an automobile listening to Dave Courchene, and I met the 13 Indian chiefs on the east side of Lake Winnipeg at that time. I think I got a pretty good picture—this is within the last 10 years—of how much the Indians did want to get independent, the aboriginals, how much they wanted to stand on their own two feet.

In closing, have you ever sat back and added up the present price our Canadian society is paying trying to solve the constitutional problems, Quebec and the aboriginals? Have you ever really sat back with a pencil and paper and added up the time and the effort that goes into this, into the Canadian debate, if you would like to call it that, constantly telling us about these problems. Frankly, I have personally become convinced that we Canadians have become bogged down majoring in the minors, Quebec and the aboriginals.

Now, the first thing Quebec has to say is, we do not like to be treated like we are the minor issues in Canada, and the aboriginals are going to say the same thing. What about the rest of the Canadians in Canada today? How many voices do you hear of the other 50 percent or 60 percent of the population that are Canadians?

We should be attacking these agendas of priorities. It is easy to come up with talking about problems and talking about symptoms, but it is always difficult to come up with solutions. I would like to come up with quick five solutions.

Education: I brought with me today an article that was produced here in the autumn, 1980, issue of Business in the Contemporary World. I brought the magazine with me, and I brought some copies if anyone is interested. The president of Northern Telecom is writing about the importance of education in Canada today.

Read and study our Satellite Communications in Canada. Are we really keeping up to what the others in the world are doing? Look at our health care, it is eating up more and more of our budget. Our transportation policies are basically in disarray. The Winnipeg 2000 Plan is a grass-roots approach that every neighbourhood should be taking a look at. What can we do at the grass roots to solve these problems?

I would like to suggest to this task force, and in turn to our political leaders, change your priority agenda. That is my main thought. Give the squeaking wheels, Quebec and the aboriginals, what they want, and then let us get on with the major task of building a Canadian nation that can truly contribute its part to an international world. We are in the international world league. That is the league we are playing in. We are an export country. We have to compete in that world. We have a role and a part to play in the future. Let us clean up our own backyard and get on with it. Let us look ahead to the 21st Century and the challenge of change.

Canada has an abundance of bright people. That is our biggest export, our bright people. Incidentally, that is our biggest export out of Manitoba, our bright people. I have four children, three of them are gone. I would like to share my pride in my four children. The reason why I like to share my pride in my four children is, I gave a lot of thought about appearing before this task force and I said, well, why am I doing this thing? I think the main reason why I am doing it is I am beginning to get a little bit worried about the legacy I am leaving those four children. Any of you in this audience that have three or four children, you must look at those children and say, my God, what are we leaving them? We are leaving them quite a debt load. We are leaving them a very confused nation. We seem to be zigging and zagging all over the place.

As parents we try our best to encourage our children to perform to the best of their abilities and to take advantage of their opportunities in a country such as Canada. I have two sons. My son, Gordon, is married. He has two daughters and will graduate this spring from UBC in sports medicine. He has a bright future ahead of him. My older son, Jim, is fluently bilingual. He spent a year at the Sorbonne in Paris acquiring his Master's in political science. He is now practising international trade law in Toronto after practising in Washington and Ottawa. Daughter

married, graduated in honours political science in Manitoba, then went to Western for her Master's, plus a stint in Ottawa and Florence, Italy. She is the only one of my children living in Winnipeg. Think of it. Three out of four gone. Daughter, Nancy, went to UBC for an economics degree and subsequently went to Emily Carr and became an artist, spent four years learning how to paint art.

What I am trying to say is, Canada is a wonderful country. It has wonderful opportunities, and I think my four children attest to that. They took advantage of the opportunities, and they have grown with it.

* (1150)

In closing, I do not want to get involved in dialogue about my priorities in Canada. I think the important thing with that priorities agenda is for every Canadian to give serious thought to what is No. 1, what is No. 2, what is No. 3. I look at Switzerland, four languages, four cultures. Why can we not in Canada have four cultures? Why can we not go to English, French, German and Spanish? We are an export country. We are going into free trade in Mexico. Why should we not learn Spanish? Why should we not learn German. Look at Europe. It is growing like mad. Why should our children not leave school in Grade 12 with four languages under their belts like they do in Switzerland?

When I talk about education, I am reminded of that saying that war is too important to be left to the generals, and believe me when I say this: Education is far too important to be left to the educators. If you decide as Canadians to overhaul your education system and make it more competitive, the one piece of advice I give you very, very strongly is do not leave it up to the educators.

I would like to thank you very much, Mr. Chairman, for this time and this opportunity to address your panel.

Mr. Chairman: Thank you very much, sir. Mrs. Render has a question.

Mrs. Render: I am not too sure whether I understand you properly. At the bottom of page 2 you suggest that if Quebec wants to separate, let us give Quebec what it wants, and a similar sentence at the end of the paragraph, if the aboriginals want to go free, then so be it. Now, are you saying that perhaps it is okay to have three separate nations in what is now known as Canada, three countries almost, in effect, in what is now geographically known as Canada, that they would be totally separate from Canada and in fact would not be part of Canada as we now know Canada?

Mr. McIlroy: Yes, Quebec would be separate, definitely separate because that is what the Quebecers want. They want to be sovereign, they want to be a sovereign nation. I would go so far as to say, get your own currency. You already have your own laws, do your own trade treaties, create your own army, separate.

As far as the Indians are concerned, as far as the aboriginal, the Inuit, et cetera, are concerned, I think that they still have some homework to do. I think what they have to do is find out, whether it is through a referendum—but they have to find a clearer picture of exactly what they do want.

For example, when I hear the land claims, I cannot believe that some of those people still want to live on some of those beaten-up lands. I will give you an example, Grand Rapids, Little Grand Rapids, who wants to live there? Who wants to have a reservation on that land? It does not produce anything; it has no economic base. Who wants to go up there and be on the pogey for the next 50 years? I do not think I would. I think the aboriginal people have to get a much clearer idea of what they really do want in the way of land and in the way of sovereignty.

Mrs. Render: Does your sentence "Let them go free," mean free from Canada or free from Indian Affairs?

Mr. McIlroy: Both. I think our Indian Affairs—you talk about paper pushing, they can really paper. Dave Courchene used to say—and I do not know how true it is because Dave liked to kid a lot—he claimed that 80 percent of whatever went into Indian Affairs went to Indian Affairs and 20 percent went to the aboriginals. I never saw any facts or statistics to back that up, but that is the perception of a lot of the aboriginals—is, please stop giving us that kind of help; it is killing us. They want to be more independent.

Mrs. Render: Thank you.

Mr. Lathlin: Sir, I would like to thank you for your presentation here this morning and having the interest to come in and give us your views on Canada's future. I basically have two questions—maybe not questions, maybe statements. The thing about "Let us give them what they want," I think there is a lot of misunderstanding out there, especially amongst Governments and amongst the general population of our society. What aboriginal people want is what is rightfully theirs. For example, you are talking about

land. Who in the hell wants to live in barren lands? I agree with you, but we did not have a say as to where this land was going to—land was given to us by the Government to go and live there, whether it was swamp, muskeg, rock, that is where we were placed.

The other thing is that land that you refer to is federal Crown land still. It is not owned by the aboriginal people who live there. The title is still vested to Her Majesty the Queen and it has been set aside for the use and benefit of Indians, so it is not even our land that we are living on right now, whatever land reserves that we are living on. We do not even own that land. The federal Government still owns it.

I too am proud of myself. I have gone through school. I have never been on welfare and I hope I never get to be on welfare. So people are asking for outstanding promises, treaties, that were signed by our people with the British Crown.

You mentioned lawyers, and I do not have anything against lawyers, but I would just like to repeat one more thing that I have already said here to the audience—I forget what day it was. In Manitoba there are 24 Indian bands. There is a total of 61 Indian bands, 24 of them still have land outstanding that was written on paper, legal documents, in 1876 in our case, Treaty 5. That is a long time ago and yet I have seen people go to court, sometimes over a long period of time, fighting over—you know, like the eave of a house overhanging the next guy's property. I mean, people have gone to court over that. Yet people do not seem to understand when we talk about fulfilling outstanding treaty and land entitlement. We are not asking; what we are saying is, give us what is rightfully ours, what was written into agreements, legal, binding agreements, lawyers that have written them up.

I am also very interested in education. I think that is the key to the future of everybody, not only aboriginal people.

With those words, I once again thank you for appearing before the task force.

Mr. McIlroy: Mr. Chairman, could I comment on what has just been said?

Mr. Chairman: That would only be fair, sir. If you could keep it fairly brisk, I would appreciate it.

Mr. McIlroy: I will make it real brisk.

Mr. Chairman: You will hear a bell quite soon, I am afraid.

Mr. McIlroy: I go back to my original statement. What do you want? May I suggest, sir, do not pursue those treaties. As soon as you pursue treaties, you are getting into lawyers, and as soon as you get into lawyers—I do not know how long you have been on this now, what, 50 years—as soon as you get into lawyers, you go ba-ba-ba-ba-ba-ba for another 50 years. You are much better off to draw up a shopping list of what you want and make sure you get the titles clear. Make sure you get the oil rights too, the mineral rights, when you get the land title. If you keep going back, arguing about those treaties, believe me, you will be arguing about them 50 years from now, because you are dealing with the legal system.

Mr. Chairman: Thanks very much.

Mr. McIlroy: Thank you.

Mr. Chairman: Ms. Lorraine Head.

Ms. Lorraine Hand (Private Citizen): It is Lorraine Hand.

Mr. Chairman: Oh, I am sorry. Indeed it is, Ms. Hand, my apologies.

Ms. Hand: That is okay.

Mr. Chairman, Members of the board, I am going to be the devil's advocate this morning, I am afraid. Everything I have to say has been—the opposite point has been well presented.

Let me just read my probably unoriginal and limited plan for Canada.

It is my opinion that the insurmountable national debt, coupled with the signing of the Free Trade Agreement, has set in motion for Canada the collapse of the economic order as we know it.

* (1200)

With the inevitable change in the economy will come change in the political order. This is not a proposal for the dismantling of Canada, but rather a notion that may allow and demand the responsible involvement of all Canadians, a new Canada geographically the same, whose citizens are empowered to affect Government.

The Canadian political system is being challenged by Quebec. The resolution of this challenge may force Canadians to conceive of and live within a new order. I propose that historic Canada become a collection of economic regions who could act collectively on issues of national interest.

The creation and operation of these regions would be governed first and foremost by the Charter of Rights and Freedoms. The key to my proposal is

empowerment of the regions. By a vote we would determine the regions.

Native Canadians would receive the empowerment of self-government if they chose. In this manner I envision six or seven entities collecting and dispersing their own taxes and establishing their own priorities. The regions will plan for themselves, creating and supporting programs that are relevant to them.

Upon establishing the regions, the national debt would then be divided by population, the aboriginal land claims settled, and the national assets, including federally-owned public buildings and corporations, divided, the federal justice system dissolved.

An executive committee with one representative from each region would administer issues of a national nature. The chairmanship of this committee will be rotated annually. This executive might oversee our decision to become involved in a war or to oversee the ongoing commitments to NATO and the United Nations and to world development. Issues of national life and discussions about shared values and the maintenance of common operations like CBC could be administered by this group.

For Manitoba, I see Manitoba becoming part of a prairie region. This region would support one Government. The provincial legislative buildings would become art galleries, museums or public offices. The regional Government could choose a geographic centre and representatives be elected from the present constituencies.

The key to the success of these regions would be the establishment of trading partners which would become, because of the Free Trade Agreement, probably north and south. Prairie commodities and the jobs they produce might stay within the region. The region could decide, for instance, if the Port of Churchill would be kept operational. Winnipeg may once again become a prairie trading centre, and the development and sale of resources would be controlled by our own agenda.

Our communal life, prioritized by ourselves, would operate within our own budget. Inequalities—and to me another word for that is our cultural differences—would become a natural outcome of the different needs and values and our ability to manage these. So be it. Inequality exists now. How much better to self-determine which sacrifices our region is prepared to make. How much better to appreciate our differences and understand their origins than to have them imposed upon us.

The justice system would be revised to have a Supreme Court in each region; thereby, laws would evolve appropriate to the region. The perceived need to protect language and culture would occur within the regional law. The law would be accepted and supported by the community. The need for the overhaul of the justice system achieved.

Government of the region would remove duplication of services, thereby freeing up funds for programs. This local, autonomic Government would require and allow citizens to establish a relationship with their Government. We would be empowered to effect the programs and the priorities. The onus would be on us to make the region work. The struggle for financial accountability would be closer to home; the need to care for one another more imminent; and the values of conservation and resource management within our own grasp. We would have to think for ourselves, and assume the collective responsibility to share the burdens and work toward shared goals.

In our national struggle to be a multicultural nation, how much better for our differences to be regional and agreed upon than national and resented. Regional disparity is a fact of life. How much better for each region to decide in which areas they are prepared to accept differences. The natural resources of people and materials, then, would become the fabric from which our lifestyle would be created. We remain Canadian, a global partner who could lead the world in an example of shared responsibility and respect for differences.

I would like to reiterate the basis of my empowerment plan: No. 1) The giving of power, the giving of self-government. 2) The federal Government then gives over powers to the regions and to the Natives. 3) The national debt and assets shared equally. 4) National concerns co-ordinated by an executive committee consisting of one regional delegate. 5) Regional development and programs determined by regional efforts. 6) Appreciate our differences and encourage unique resources. And lastly, 7) Establish and sustain a relationship between the people and their region, which is meaningful and perhaps even spiritual.

Thinking about this plan gave me hope, rather than the constant state of distant despair that I feel, as a Canadian, reading the newspapers.

Thank you.

Mr. Chairman: Thank you very much, Ms. Hand. Are there any questions?

Mr. Martindale: Yes, thank you for taking the time to present today, Ms. Hand.

I am quite fascinated by your concluding sentence or two. As legislators, we do not often hear words like love. I would love to get into a theological discussion about that with you, but I think I will limit myself to saying, do you think that our country would look different, and maybe our Constitution would be different if we lived by a rule of love one another, for example, and if so, how?

Ms. Hand: That would be wonderful, and I think basically we all wish to live that way. Would our Constitution look different? I think our Constitution would look different if it was designed with the Charter of Rights and Freedoms as its backbone. As you say, the question of living in a state of love is another whole topic.

Mr. Martindale: Would you, in the prairie region include—or what provinces would you include in the prairie region?

Ms. Hand: I think the process of becoming regionalized would be something that the people would vote on. There could be some tentative boundaries set such as a prairie region, and then people in B.C. would have the option of becoming part of the prairie region if they felt that would be to their advantage. The Northwest Territories could be part of the prairie region if that would be to their advantage. I think the process would be not to impose a region on any one. I personally would prefer to see the region as big as it could be, but if people felt their own interests would be better served in a region of their own, then that would be their choice.

Mr. Martindale: You think if Manitoba and Alberta were in the same region that the interests of Manitoba would be the same as those of Alberta?

Ms. Hand: Eventually. I think that eventually we would—because we would be putting all our resources into one pot. We would have an ability to share their desire for oil development just as they might be able to share some of our needs for, say, the Port of Churchill or something like that. Yes, I think in all honesty we could work together.

Mr. Martindale: Thank you.

Mr. Carr: We have had a lot of presentations over the last week about the future role of the Senate. Some want to reform it, and some want to abolish it. No one, until your presentation now, has suggested that we abolish the House of Commons. I gather that is what you are saying.

* (1210)

Ms. Hand: Yes.

Mr. Carr: You want to abolish the House of Commons and replace it with some kind of supraregional body with six individuals representing each region that would look after those common issues such as foreign policy and national defence. Have I got that right? Thank you.

Mr. Chairman: Any other questions? Thank you very much, Ms. Hand.

Our last presenter of the morning, Mr. Gilbert Abraham.

Mr. Gilbert Abraham (Private Citizen): Constitutional Task Force for Manitoba, Winnipeg, February 1991, Mr. Chairman, Constitutional Task Force Members, good morning.

Mr. Chairman: Good morning to you.

Mr. Abraham: Thank you for the 20 minutes allowed to express my views and concerns on the Canadian Constitution, Charter of Rights and Freedoms. Before Canada and Manitoba and other provinces go into the constitutional amendment or change, they should have a clean sheet. When anyone breaks the law, he/she pays for the wrong done. Likewise, Canada should.

Our treaties were broken, powers were broken and left us powerless by the Indian Act and Indian Affairs. The Indian Act and the Indian Affairs department stripped our chiefs and councillors from the royal Crown and our British connection with Great Britain. Instead of using yes here, that is supposed to be years ago, Canada was under British connection, too. Canada's citizens expressed how proud they were to be a British subject. Great Britain had dominion over the Dominion of Canada and she was protected in security under her wings until her independence.

What would happen to the Royal Canadian Mounted Police if they were stripped by which authority thereunder? Canada was not the one who made treaty with us. It was Great Britain, why we wore the royal Crown in our chiefs' and councils' uniforms, colours and medals. Wherever our council was, the Union Jack was proudly flown. Canada did represent Her Majesty, Queen Victoria in Canada to make treaties with us. Can this transaction be recognized

that Canada had inherited us from British connection and from Great Britain?

Canada still pays her dues to Commonwealth, evidence of her British connection. Furthermore, she called on Her Majesty, Queen Elizabeth II to bring the goods and services tax onto Canada and her people she represents. Since we are a British connection, we should have a right to patriate our treaties from London, England where they came from, why Canada had to patriate her Constitution. Some time after treaties were X'd or signed, our treaty books were collected and exchanged with a referendum book or a memorandum book. Our chiefs were told the book is more explicit than the treaty book; that is why we need to patriate our treaties from the British Crown. All across Canada, a Royal Crown remains on all Canadian legislative buildings with Her Majesty Queen Elizabeth II's picture and other evidence of British connection.

Our hospitals were taken away; we had hospitals as treaty Indian hospitals. Federal Government paid the costs whenever we were admitted to outside hospitals. Outside hospitals used to keep us despite well enough to be discharged—who abused our stay. The feds were fed up with the practice—resulted to lose our hospitals.

Our Indian rice was taken away because Canada said it was not in our treaties. Our Indian rice is a spiritual gift from the Great Spirit. I saw the tail end of how spiritual practice in our spiritualties was. Always a spiritual leader in head and he led canoes onto the lake. Before a straw touched, he blessed and gave thanks to the Great Spirit for a good harvest; likewise, a camping ground was blessed before the campsite was set.

Today Sid Green said, we discriminated against whites over our rice, which you call wild rice. We taught the whites everything of our rice, a shame to charge us of discrimination. Nowhere in Indian vocabulary would you find wild rice, only Anishinabe Manoomin, which means Indian rice.

Europeans were friendly when they first arrived at our shores. Once settled, they were enemies and began to fight us and other nations over our rich, vast, beautiful country. Great Britain, victorious over it, became the boss. English and French began fights, who is who in the making of and creating Canada, and, stuck since, could not get along.

Many presenters say we are true Canadians, A true Canadian is a person who with legal identity holds a Canadian citizenship-membership card and passport; who is in Confederation; independence; patriation of Canadian Constitution; constitutional talks and Meech Lake Accord.

We have none of these rights. We are always locked out and a far cry from fraternal, humanitarian civilization and society. How can we be a true Canadian? Those are the wrongs you have done to us. You left us out completely. Worse yet, you tried to exterminate us to the point of hate. I happened to listen to my elders, grandparents, pass down our ancestors' oral history of horror they experienced for generations, which branded us with an ugly Indian image. No wonder I was abused mentally, spiritually, culturally and sexually 62 years ago, July 1929.

It did not take me too long to understand my people once I came home from a 10-year stay in an Indian residential school Anglicans operated. They told me of horror and gave me nightmares galore. I was lost and broken because I was taught to hate my own, which resulted in self-hate and shame to be Indian.

That is what Canada does not want to repair rather than to turn the other cheek. There are no more cheeks to turn, but to face facts and get into action and accept us as we are. We are not asking for anything less or anything more, just legally the right to our rights, fair and square.

We, too, contributed to World Wars I and II. We also fell just like you did and were never recognized or given credit.

* (1220)

The Indian Affairs department was extremely keen getting and encouraging treaty Indians to be out of treaty. Many of them got out. They weakened our family as a treaty fold.

Our legendary Wendigo is said to be all evil by the church, is completely wrong. It is good and bad—or he is good and bad. He is good when he sits and easy to negotiate with, but if he stands up he is dangerous and will devour everything in sight and reach. Canada stands up ready to devour. That is why we ask him to sit with us to negotiate before he does us all with his Meech Lake and goods and services tax, GST—greed satisfies Tories. I put that there just to sort of make you smile. I see a few of you smiling about this.

I repeat, Canada and Manitoba must have a clean sheet before a change will be achieved. To clear anything is to accept us without prejudice and try to repair us by that method, and we will be once again

a partner, friend and neighbour, brother and sister, not only at world war times, but at peace time, and overlook the present world war. The Prime Minister asked us to forget our differences and join hands.

Oka, Quebec was a want and a need affair. Mohawks need to save the sacred land while Quebec wants the land for the wealthy for a golf course. Can Quebec do likewise to the wealthy graveyard of the great ship Titanic?

We at Pine Falls had an Oka situation in 1939. Soldiers and police used vehicles and fired guns to try and stop uncontrolled fights between red and white man.

I am a man who started many things for our people in Winnipeg. July 3, 1956, I arrived in this city.

1) Treaty Indian movement, open many doors, 1956;

2) Urban Indian Association, maintained leadership 1957;

3) Officially opened first Indian and Metis Friendship Centre in 1959;

4) I brought in Native Alcoholism Council of Manitoba in 1969;

5) Sat with Manitoba chiefs' approval for the Native Alcoholism Council of Manitoba in '69;

6) Sat in first, second and third readings in balcony to pass the Native alcoholism of Manitoba Bill for us to utilize;

7) I represented Manitobans on royal tours of Queen Elizabeth II in 1959, 28 nationalities, Indian to Hungarian;

8) Faced board of referees from Ottawa due to blackest book and I was victorious in 1977;

9) Brought in Canadian Human Rights Commission in 1977 and '78.

I fought for Quebecers in 1952 when they were in trouble in Manitoba with the labour market at Pine Falls. I did likewise when displaced peoples, DPs, were said to take Canadian jobs away from Canadians.

I fought so hard with the racism and racial prejudices and discrimination and the like. Right after I spoke a man died on the spot—he happened to be a Japanese—in 1959.

Manitoba, I did a token share. Let us play ball and make Manitoba a better place to live. Our future is in our hands. Do not try the same methods, leaving us out. It will not work. We make it together; we have the potential. Let us sit down with Wendigo for negotiations or he will devour us if we do not.

Sincerely in closing, Gilbert D. Abraham.

Mr. Chairman: Thank you very much, Mr. Abraham. Any questions? Thank you again, sir.

Mr. Abraham: Yes, I guess we are too hungry to ask questions. Thank you.

Mr. Chairman: Thank you, that is our last presentation of the morning. Thanks to all of you who came forward to present this morning. We will be adjourning now until 1:30. We have a full slate of afternoon presentations and indeed a full slate of presentations for this evening, starting at 7 p.m. Good morning.

* * *

The hearing took recess at 12:28 p.m.

After Recess

The hearing resumed at 1:32 p.m.

Mr. Chairman: Good afternoon, ladies and gentlemen. Welcome to our afternoon session of this extra day of hearings in Winnipeg of the Manitoba Constitutional Task Force.

The first scheduled presenter this afternoon is the University of Manitoba Students' Union. Is Mr. Lamont here?

The next presenter is the Western Independence Party of Manitoba. The spokesperson is Mr. Fred Cameron.

Mr. Fred Cameron (Western Independence Party of Manitoba): Mr. Chairman.

Mr. Chairman: Good day, Mr. Cameron.

Mr. Cameron: Task force Members, ladies and gentlemen. Yes, Canada must establish a Constitution, not a new Constitution, because we never had one.

The British North America Act of 1867 was an Act of the British Parliament which was supposed to be amended in 1982, which raised one ethnic group above all the many that make up Canada. Then this whole mess was repatriated to Canada. How can an Act of another country be repatriated to Canada? How can an Act of another country be called our Constitution if it has never been presented to Canadians to be accepted? This whole process suggests a lack of democracy and a touch of dictatorship.

Many Canadians have been at war against dictatorship and are now engaged in the Gulf. Even small islands in the Pacific vote on their Constitution and also on the amendments. The lack of democracy is the real problem in Canada. The Meech Lake Accord was created and finalized behind closed doors. The goods and services tax was legislated against the wishes of about 80 percent of the Canadians. Even our three major Manitoba political Party Leaders signed the accord. Thank goodness, we had one courageous MLA, and that was Elijah Harper.

Even the election process does not reflect democracy. Our Premier is in power with only 41 percent of the vote, and our Prime Minister holds power with only 43 percent of the vote, not even a simple majority of 50 percent plus one.

Yes, we go to the polls and vote, but the minute after we place that X on the ballot we have no more control over whomever is elected, as they have to bow down to Party policy and Party discipline, making it very doubtful if they can represent the majority opinion of their constituents.

Even this task force pamphlet that we have in front of us here does not reflect democracy. It is in two languages. It is well known that Canadians never voted on the federal language Act, and Manitobans have never declared Manitoba as a bilingual province. In fact, in both instances about 80 percent of the population do not want two official languages. Quebec, whom this is supposed to appease, does not want anything to do with bilingualism. The federal Government and our spineless politicians do nothing about it. They even allow Quebec separatists to sit in Parliament. Do you not think that Canadians should be allowed to choose if they want two official languages, if we really are a democracy?

Yes, we must establish democracy in Canada by having the essence of democracy written into the Constitution, so no political party, minority group or government can distort or ignore the process of democracy and that people can control this process by having the power to initiate the last check and balance.

The first thing we must understand is the meaning of the word "democracy." You might say, oh, that is easy. It is Government by the people, and you are right and you can confirm this in any English dictionary and, I believe, in any French dictionary.

There is more to it than that. It is broken into two parts. The first part states that we go to meetings as found in societies, associations, et cetera, and vote directly on issues where usually a simple majority of 50 percent plus one will carry the vote, but the percentage required would depend on the Constitution and by-laws of that organization.

The second part, where we go to the polls and elect representatives who will so act for us—it is obvious acting for us would be carried out in the same way as the first part. An elected official would take the majority vote of the constituents on to the higher level of Government, such as the Parliament or Legislature. As pointed out earlier, this does not happen in Canada.

Canada tells the world we are a democracy. Therefore, our Constitution should follow the democratic process. A Constitution is a list of regulations governing the operation of societies, et cetera. It is compiled by input from members and finalized by the executive or a committee and given to the Members for approval.

Federation is a union of two or more entities where all partners are equal. In Canada, Quebec has always been treated as different. For instance, they have a National Assembly rather than a Legislative Assembly that is required by the British North America Act. They have control of areas of federal jurisdiction. They are allowed command of a portion of the naval, land and air elements of the Canadian military, and the support war materiel is found in Quebec. Is this not a bit much? Does it not suggest they are well on the way to controlling Canada? Does it not place a big question on our so-called Confederation?

The Western Independence Party of Manitoba insists on a Constitution having public input and be given to the voters for final approval. The Party has already constructed a proposed Constitution for the new nation of western Canada. This was done in 1989 and distributed to the western Canadian media and Governments. It is not complete but it is a basis to build on, and here is a copy of it here. It contains many suggestions and concerns of presenters to this task force.

This proposed Constitution contains the use of citizen-initiated referenda, also recall of elected officials who do not uphold the majority opinion. These elected officials would have a free vote on all issues, and there would be provision for a Triple-E Senate to ensure one area could not control the rest.

The suggestion is for not more than two senators for each area.

Western Canadians must realize that Quebec and Ontario would never allow a Triple-E Senate as they would lose the power to dominate the rest of Canada. Any Senate reform while the West is in Confederation will favour Quebec and Ontario; therefore, the West will still be controlled by Quebec and Ontario.

I have stated the essentials for democracy, but there are other issues we believe should be carefully looked into and have extensive public exposure and input. One official language chosen by the people would be more unifying and much less expensive for the taxpayer. We should have a balanced budget. Canadians should also understand that Government services have to be paid for through taxes, but the taxpayer should have a strong voice in how these taxes are to be spent.

* (1340)

We hear a lot about rights. In a democracy, my rights should only go as far as the majority allow. Immigration should be tied to unemployment. Immigrants would be thoroughly instructed in Canadian laws and customs before coming to Canada. They should be prepared to respect these laws and customs even if they have to undergo some change to become a Canadian. We have some immigrants openly supporting their homeland and some sending money back, money Canada cannot afford to give in view of our huge national debt.

A Canadian is a person born in Canada or a person who has completed the process of citizenship. Multiculturalism, if required, should be equally and fairly funded from taxes, but the major funding should go to Canadian culture. Folklorama does not have a Canadian culture booth. We do not think there should be any distinct society in a democracy and no group should be self-governing. Canadians should be called Canadians and treated as Canadians.

Quebec separation is played up by the media, but let a western Canadian separatist speak up and they are called racist, redneck, bigot and all the other nasty names that are printable. Quebec has enjoyed a special status all along and especially since Mr. Trudeau took over followed by Mr. Mulroney. Why would they separate after being treated like that? Would you? My own opinion is they want all of Canada, so they hold the club of separation over our heads and negotiate some sort of an association which gives them even more power and another step towards acquiring all of Canada.. If Quebec does separate it should be on the rest of Canada's terms and definitely not with all the territory they now control.

Our politicians should be deeply involved now in constructing a Canada without Quebec, but all they are trying to do is appease Quebec. Western Canada has far more reason to separate than Quebec ever thought of. We have been treated like a colony and alienated by Ottawa ever since the days of Louis Riel. Quebec and Ontario have never allowed industry to grow in the West because that would bring financial and political power to the West which could become greater than theirs, and they could never allow that to happen.

In closing, I do not see the major political Parties of Canada solving this constitutional problem. Our Prime Minister is from Quebec. Our Liberal Party Leader is from Quebec and our New Democratic Party plays up to Quebec, and even our Leader of the new Reform Party was in Quebec. The people of Canada must gain democratic control as it is the flawed, corrupt political governmental system that has to be changed.

The first step should be trying to settle Quebec in or out of Confederation, but not with appeasement. The next step would be creation of a truly Canadian Constitution placing power of the last check on Government in the hands of the people and having the Constitution approved by them. This is going to take courageous officials who have the stamina and tenacity of the hardy pioneers who built this great land, not the brand of officials we see in power today. We need officials who will stand up for the people they represent, and may the will of the people prevail.

I thank you for listening to me.

Mr. Chairman: Thank you, Mr. Cameron. Are there any questions? Thanks again, sir.

Floor Question: Excuse me, Mr. Chairman. For those of us who were not able to be here this morning, could you kindly introduce the MLAs who are sitting with you, please?

Mr. Chairman: Yes, I certainly will. I was waiting for them all to come to the table, and I did not, of course, want to interrupt Mr. Cameron to make the introductions. I will be pleased to do that now, now that we have a full house.

Starting on my far left is the Honourable Darren Praznik, who is the Conservative Member of the Legislature for Lac du Bonnet and is Minister of Labour and indeed has other responsibilities as well

within the Government of Manitoba. Next to him is Mr. Doug Martindale who is the New Democratic Member of the Legislature for Burrows. Next to him on my immediate left is Mr. Jim Carr, the Deputy Leader of the Liberal Party in Manitoba and Member of the Legislature for Crescentwood. Moving to my immediate right is Mrs. Shirley Render, the Conservative Member of the Legislature for St. Vital, and next to her, Mr. Jack Reimer, the Conservative Member of the Legislature for Niakwa. At the end of the table on my right Mr. Oscar Lathlin, who is the New Democratic Member of the Legislature for the constituency of The Pas. I am Wally Fox-Decent.

Ladies and gentlemen, we proceed with our second presenter this afternoon, Mr. Jim Finlay.

Hello, Mr. Finlay.

Mr. Jim Finlay (Private Citizen): Hello, my name is Jim Finlay, and I am speaking on social service.

Social service system is the most extreme, blatant, life-threatening medical, emotional discrimination system of Canada for poor Canadians. Specific common sense adequately, clearly, the federal and provincial Governments so extra extremely strong, effectively rather shorten people's life and make over 2,500 percent a specific waste of taxpayers' money by advocating poorer Canadian's health, et cetera, as explained below.

No. 1, adequate standard poverty line. Specifically clearly, it is not being understood and realized by the federal and provincial Governments that with them not providing the national adequate standard guaranteed income poverty line supplement, with an increase made each quarter of the year or four times a year, so that you specifically keep up to the major inflation consumer price index cost-of-living increase, so that poor Canadians will live a more specific, common, sensible, decent, worthwhile life completely. Otherwise, you will keep causing poor Canadians more chronic illness toward irreparably harmed, physically, mentally disabled and other handicaps of Manitoba, and also keep putting more chronic pressure on the poor Canadians. You will keep violating the Charter of Rights completely, mainly Section 7 and Section 15. Refer to Section 7 and Section 15.

The listing of issues that follow: No. 1, special needs have not been increased since 1960. It is 31 years today, for the regular special needs of $150 a year has not been increased at all. With documents that I have done, it is from $7,000 to $11,800-and-some today.

The excess special needs that started in '85 has not been informed to people at all. A lot of people have not been told about it that are on assistance, where it has not been increased, each time they make an increase either, since '85, at all.

* (1350)

Now, index No. 3 on transportation and phone, it should be counted a basic need. Otherwise, how do you expect a person to look for work? You say, keep telling people to look for work. There is no way that they can do that without transportation and phone being counted basic. Even the University of Manitoba stated it to them in 1976 on a survey they did. This leads to discrimination because with transportation and phone being the most extreme, essential, basic necessities of life, how do you expect them to get out to get their basic needs, too?

On No. 4, the food and household is not meeting the average retail cost of Winnipeg's Consumer Price Index, I get the index every quarter of the year and it shows the average retail cost. The last one that was released for the third quarter of 1990 shows $153.09, and here we only receive $146.80 today. That shows you where they are not going by the index right, and not doing documents for stores either. Even the document I just did on food cost, on the first of this month it is $296.68, which is $149.88 more than what we receive.

The special diets have not been increased at all either, because since '82 they have not been increasing this special diet when they increased the regular food. They have been checking with Manitoba nutritionists to see if there is an increase, because they have been getting told there is no increase. I was told by Statistics Canada on this when I checked it with them that the index would state there is no percentage increase if there was no increase on food. With the Consumer Price Index showing there is a percentage increase, that means the special diet figure must be increased at the same percentage as well, otherwise it leads to medical discrimination. As the new document I did on the special diet I am on is $491.61, and here I only get $183 for the special diet. With them not going to stores and doing documents as the university and I have been doing, that way they are not meeting the costs at all.

On these special diets, they have to learn and work everything separately of the index, because going by

the overall figure, you are completely wrong. As Statistics Canada has instructed me, you have to work everything separately because every part has a different percentage increase on the cost of living. You have to go by not just the Winnipeg index, you have to use both the Canada index as well as the Winnipeg because all items that are pretty well the same percentage across Canada are only listed in the Canada index.

Items that are a quite different percentage increase in cost are listed in each city's index. Anything that is not listed on the Winnipeg index, you have to take that from the Canada index, such as where the latest index that was released when they released the newsletter on the 26th of November for October shows that it was 5 percent increase for Winnipeg alone and it only has 13 items of food listed on the Winnipeg index, where the Canada index has 46 items of food. See, it does not state the tuition fees on the Winnipeg index or the goods and services at all on the monthly one at home. See, it only is stated on the Canada index. I found out social services is only going by the Winnipeg index and not using the two indexes as they are supposed to.

Canada Statistics has instructed me, the way you do. Now on No. 6 here, the special sales tax, now in May of '87 where the sales tax was increased from 6 percent to 7 percent, the Social Allowance rates were not increased on the taxable parts at all. They did not add any 1 percent on at all to our Social Allowance parts that were taxable. So I have it worked out and they always—every recipient a total of $262.84 from May of '87 to March the 31st of this year. That is making it extra tough and hard on people to buy taxable items, especially now with the GST too since they did not add 7 percent onto the taxable parts at all either. So this makes it the more extreme discrimination system that way too.

No. 7 on the work incentive—it is penalizing people with them taking part of their earnings away and forcing people not to look for work at all because with them taking—only allowing them $50 a month, see, they are wrong right there because they have to go by the year, they cannot go by the month because some months people would earn more than $50 and some months they would earn less. See, now I have been told by the previous Minister of Labour that they should be going by the year on this; otherwise, it forces people not to look for work and makes them use their skills of education and energy to work with them penalizing people. There should be no deduction in any way at all; otherwise, you will not find people getting off assistance at all.

No. 8 on clothing, you know, they are not going by the season. You see, every season has a different cost, too. The national council, welfare has a special rate explained of $89 for the month of October and November, for each of those months, for winter clothing. I have done a document on clothing and it is about 108 percent more in costs than what we get of $32.10 per month. How do you expect a person to buy any decent clothing?

Now, there is a very specific point where doctors' statements are not being followed, because, see, my doctor prescribing a six-week overall medical treatment vacation need and social services refusing it. That is violating the Charter of Rights right there, on Section 7, where it is proper health care is to be provided.

That way, with them not equipped with the information on epilepsy, as I have provided the three previous Ministers of Health copies of forms to fill out to get this information from Ontario. They have not done so at all. I have investigated eight legislation offices and they do not have a thing of information on epilepsy. I have been discovering shopping centres not having the first aid instructions either. They did not know the thing to do when I had a couple of seizures at Winnipeg Square. The security staff did not know the proper thing to do at all. It was a good thing I had the instructions with me.

* (1400)

Just like this case of the epileptic drowning, with these group homes not having the home safety for people with seizures instructions where they are to keep an eye on the person. That is why that case of the one group home the recipient died from drowning on account on them saying he could bath himself.

So I got a hold of the judge that was doing the court case and when I read this rule that I got from Ontario, he had me see the head Chief Medical Examiner of Manitoba and they were glad I shared it with them and that cleared the court case up, showed clear that they did not have the instructions for it. Even the library does not have this information I have got from Ontario, Calgary and Montreal. It is not available here in Manitoba at all because even the Health Sciences Centre tried getting information from the Minister of Health and could not get any at all. So that is what made me investigate right away. They do not have a

teacher's kit of instructions for teachers for looking after epileptic students.

On this special needs, too, you know, the Christmas season, you know, is just a bleak Christmas for every recipient on assistance because with them not providing the excess special needs. Say anything that they have not spent since April I of each year, say on December 1 if anything is left over yet, the balance should be mailed automatically to help people out with Christmas so they do not have a bleak Christmas and suffer. Even this special needs should automatically be sent to people. You see, I have documents on the difference where they have given us less costs, worked out since 1981 with the index. So you see, the social service system is the most extreme blatant, life-threatening discrimination system with them not working everything separately as Statistics Canada instructed me, as every part has a different percentage too.

Mr. Chairman: Thank you, Mr. Finlay. Any questions? Thanks again, sir. Our next presenter is the Canadian Union of Public Employees, Mr. Bud Shiaro. Good afternoon, sir.

Mr. Bud Shiaro (Canadian Union of Public Employees): Good afternoon, Wally. You seem to have lost me at the back, but I see you have found me at the front. That is what counts.

Mr. Chairman: I am sorry. I gather your name indeed should have been on the list but inadvertently was not, so we have rectified that. Welcome.

Mr. Shiaro: Thank you. Actually, I came here today not so much to speak about what should go into the Constitution, but more so to speak about the process that the Province of Manitoba is undertaking. I would like to congratulate the Government and the Liberal and NDP Parties for their involvement in this process. I think it is a first step and an important step in beginning to put together a Constitution for Canada, which is dearly in need of some attention.

I think what is missing in this process, though, is the ability for someone to speak on behalf of Manitobans. When I say someone to speak on behalf of Manitobans, I think the people who should be speaking are those people whom we have elected, our Leaders, be they the Government of the Day or the two Opposition Parties.

I think it is really critical that these Leaders have time to go forward to the people of Manitoba and put forward their positions as to what they would see as being a Constitution for Canada and those things that Manitoba should promote on behalf of all of Canada. This has not taken place yet. I would say, judging by the fact that you have extended your hearings that there certainly is an interest.

For Manitobans, for the overall public of Manitoba to be able to shape and meld a Constitution within their own minds, they should have information. I think that information should be forthcoming again from the Leaders, from the people who have access to information and who have I believe an obligation to move that information forward to the people of Manitoba.

Therefore, I would like to propose that the steps that should follow these hearings would simply be that all three Parties be given equal time in the printed and electronic media to put forward their positions, those issues that they see as important to Manitoba, those issues that they see as important to Canada.

I would also like to see these three Parties put forward a position paper, something in print that can be distributed to people who are interested in Manitoba so people can study this and use this information to shape their opinions. As a third step, I would like to see further public hearings. At these public hearings, people who have had information from the Leaders that they have elected could then come forward and go the next step in developing a Constitution to take forward to the federal Government for discussion at that point.

Thank you.

Mr. Chairman: Thank you very much, sir. Any questions?

Hon. Darren Praznik (Member for Lac du Bonnet): Hi, Bud. Bud, I just wanted to ask you, if I appreciate what you are saying, is that the process by where we three political Parties currently represented in our Legislature have come together to go out and hear Manitobans in these hearings to hear what they have to say, to seek their advice and work towards developing some sort of consensus here in the province, is not the chosen process of the people you represent? Your suggestion is, we each as Parties should be putting forward a viewpoint and debating that and taking that forward?

Mr. Shiaro: What I am saying, Darren, is that the step that you have taken is just that. It is a step toward a much larger process that should take place, simply because I believe what you are getting are interest groups coming forward to these hearings, people who have access to information. I work for the Canadian

Union of Public Employees. We certainly have a position. We certainly do deal with many of these issues on a day-to-day basis.

I think what is needed now is to hear from the other side of the table, and that is you people. What are your thoughts? What would you see as being a Constitution? What is the position of the Liberal Party, the Conservative Party, the NDP? People can then look at these and give thought to those positions and perhaps add to their own thoughts, perhaps modify, but come forward once more and say, yes, here is the best of all, and this is what we think that we would like to see in a Constitution.

Mr. Praznik: I just find that a very interesting approach, although I would say or submit to you that one of the great strengths of Manitoba as a province, our provincial position in the Meech Lake debate was that the three Parties in this province were able to work together and develop a consensus that strengthened our hand at the table amongst other provinces—a different approach, certainly appreciated, and I am sure you appreciate as well the kind of consensus building that we try to do here to try to strengthen the provincial position, but an interesting approach. Thank you.

Mr. Martindale: Thank you for your interesting suggestions. If the three Party Leaders were to go public say this week with their positions and then in a few weeks or a few months the task force report is published, and if you accept the view that it might be a consensus report or might reflect the views of many, many presenters to the task force, would you then see the Leaders as changing their views in order to take into account the views of Manitobans, or would they be bound politically or morally to adhere to their original positions?

* (1410)

Mr. Shiaro: I guess that is just one of the fine tunings of all political processes, that someplace along the line those Leaders will have to make that decision. One would think that they are going to listen to the people of Manitoba after the people of Manitoba have listened to them.

Mr. Lathlin: I have just a comment to your suggestions. It is not a criticism or anything like that. It is just that in the last little while, particularly during the past 12 months or so, I think you might agree with me that generally the Canadian people have developed a rather cynical attitude towards Government; it does not matter what Party it is. I think they have also developed not a very good attitude towards political representatives in the sense that they do not really listen to what the people have to say.

We have been at these hearings now for about a week now, I guess. Time and time again we are told that we elect people, we send them off to Ottawa or to Winnipeg, never to hear from them again, or our interests are not being represented adequately. So I believe that is why in Manitoba the Government, along with our co-operation, decided to go back to the people and say, what are your views, because your views are very important. But you are suggesting—I guess as a further suggestion what you are saying is now that you have heard our views, let us see what your views are and see if we endorse them or not. Is that a correct assumption?

Mr. Shiaro: Well, what I am asking—not what I am asking, but what I am suggesting is that while you are going out to the people and saying, tell us what you think, you are not disseminating the vast amounts of information which you people as elected Members of this Legislature are privy to, and which could be very important on the part of the public shaping what they say has been the Constitution. Maybe the example to use is that during the recent election and during all elections, it seems to be so critical that we have a Leaders' debate, not that the Leaders say, come and tell me what you are thinking. I mean, they do that door to door, they do that in public forums, but at some point they come out there with their ideas of what they see as this province being.

Yet in something as important as this constitutional hearings I do not see, my members do not hear anyone—let me rephrase that, do not see or hear any of these people who are in this tripartite project coming forth with positions for consideration. Yes, you have heard the people, maybe time the next step is that you put some of those thoughts, you jell those thoughts, those messages into what you see as being the position of the NDP, in your case, Oscar, and take that forward to the people of Manitoba for consideration, and the same thing of Darren's people, and the same thing Mr. Carr's people. I do not see that happening. I think it is a very critical important point. We do it time and again, every election we count on that happening, and yet here is something that I am not certain we are getting that.

There was an editorial article in Saturday's Free Press that talked about who can speak for Canada in the federal sense, who is going to negotiate this thing,

and who has the mandate and who does not, and it talked about the need for elections. I do not think we are at that point. The point we are at is, now that this tripartite group has gone around the province, this commission, now I think it is incumbent upon the Parties to come forward to the people of Manitoba and say, this is what I heard you say, this is what we think of this, and then moving to a next step.

Mr. Chairman: Any further questions? Thank you very much. I would just again, in case some of you did not hear when I called this gentleman, he is Mr. Bud Shiaro, who is representing the Canadian Union of Public Employees. Thank you very much, Bud.

The next presenter is Mr. Walter Kozan. Good day, Mr. Kozan.

Mr. Walter Kozak (Private Citizen): I would first like to make a correction. My name has been misspelled on your sheet. It is Kozak, spelled with a "k" at the end.

Mr. Chairman: So the name is K-o-z-a-k?

Mr. Kozak: That is right.

Mr. Chairman: Thank you.

Mr. Kozak: I must apologize for a little bit of a health problem. I do have a cold right now, a sore throat. I may have trouble getting through the session, but I will try.

Thank you for this opportunity to address the Constitutional Task Force of Manitoba. Due to the recent events precipitating what is virtually a crisis in Canada, I have decided that I could no longer remain silent and watch this country dismantle itself without saying what I feel should result from the aftermath of the crisis.

Mr. Chairman: We are having just a little trouble hearing you, sir, if you would not mind pulling the microphone towards you, please.

Mr. Kozak: Is this better?

Mr. Chairman: Yes, that is better. Thank you.

Mr. Kozak: I trust you have a copy of my paper.

Mr. Chairman: No, we do not. Just hold on a moment, please. It is being delivered now.

Mr. Kozak: I will start from the beginning again.

Thank you again for this opportunity to address the Constitutional Task Force of Manitoba. I will insert a little comment that, towards the end of my presentation, I will be making some comments about politicians and, since I do see a few in front of me, I hope you will not take this personally.

Mr. Chairman: Sorry, sir, again if I may, I just noticed looking at your front page that there are some comments about the time limits, and I am not sure I have made it clear, although the pamphlet does, that it is a 20-minute time limit. There will be a first bell after 15 and two bells after 20, and we would ask you to conclude, please. We have not given any extra time to anyone, and everybody has been very co-operative so far. Then there will be time for a question period.

Mr. Kozak: I understand.

Mr. Chairman: Okay. Carry on, please. I am sorry for the interruption. I promise I will not interrupt again. It is not deducted from your time either.

* (1420)

Mr. Kozak: All right.

Due to recent events precipitating what is virtually a crisis in Canada, I have decided that I could no longer remain silent and watch this country dismantle itself without saying what I feel should result from the aftermath of this crisis.

I only wish I would be facing, in this committee, the Prime Minister of Canada and his inner circle of Ministers and advisers instead. With all due respect, this task force may lack any real value or power to influence events crucial to the survival of this country and province. Nor do I really believe that too much credence will be given by the Government to these presentations, however, I must have my say.

Let me first begin by clearly stating that although I appreciate the opportunity to address this committee, I have a grievance with the process. I do not believe that there should be such tight constraints on the allotted time for individual presentations. Although I understand that there should be some time restrictions, I feel that the allowed time is insufficient for many people. There is much I wanted to deal with today, but time is against me.

A matter of this importance must have complete input by the general population. In the past, there was little emphasis on public participation, therefore I am led to believe that these public forums are really meaningless and not to be taken seriously. Is that not what got us into trouble during the Meech Lake fiasco?

I am offering my suggestions and solutions for a united and, hopefully, a better Canada, despite the likely inevitability of a split in the country. While much of what we discuss may become academic, we may be able to learn from our mistakes.

Firstly, constitutional priorities for Manitoba: The overall constitutional priorities which are in the best interests of Manitoba may very well not be in the best interests of the country. It is this attitude of individualism and provincial thinking that may be referred to as one of the roots of the present crises in Canada.

We as Canadians look upon Canada as a group of semi-independent regions and not as a country. Therefore, how can we ever work in harmony to the betterment of all? How can we ever hope to achieve an understanding of the needs of the residents of other regions in Canada? We do not have much interprovincial trade, cross-cultural exchanges and sharing of wealth. This country is made up of a group of selfish provinces, all wishing to grab whatever we can from wherever we can, similar to a carnivore or vulture waiting for whatever delicious morsel it can snap up regardless of the world consequences. I know this is an ugly depiction of Canadians, but it appears to be true. Until we can think in terms of the whole, we will never achieve unity.

The Charter of Rights: A functional Charter of Rights that is absolutely effective and unable to be overridden by any provincial legislative Act is imperative to the success of any absolutely democratic country, such as Canada professes to be. Therefore, the notwithstanding clause presently in the Constitution must be abolished. If it were not there several years ago, I very much doubt that the Quebec language law, Bill 101, would have created such resentment across the country, which in turn precipitated the anti-Meech Lake sentiments.

The result is a current crisis amounting to French speaking Canadians versus non-French speaking Canadians, or as many erroneously refer to it, French versus English Canada, effectively moving the multilingual, multicultural nature of Canadian society.

That is the crux of the problem. We think of ourselves in terms of small little groups, French versus English, such things as that. That is the basic problem there.

On women and other minority rights: The rights of women rightfully should be recognized and enshrined in the Constitution. However, careful attention should be given to the possible adverse effects of too much force being placed on legislation. What I refer to, one instance is the possibility of reverse discrimination gaining more force over time and, possibly, of denial of other minority rights to do overzealous enforcement of the women's rights. Remember, there would be chaos if the rights of all minorities and women are enforced to the letter of the law.

For example, the make-up of the work force would consist of less qualified personnel due to an extremely diverse group based on ethnic origin and gender, since the rights of all Canadian minorities should be enshrined. There are other adverse side effects. In the cases where women are being brutalized, in some it could be due to this.

With respect to multiculturalism, once again I will take a different position from what is presently acceptable. I feel that heavy emphasis on the preservation and enhancement of multiculturalism, including bilingualism, has been a major factor in a divisive and completely confrontationist nature of Canadian life.

Canadians should be more encouraged to become Canadian first and anything else second. This lack of identity to a concept of what is Canadian has been at the root of our present problem and would continue to evolve more fractionalizing of the country in the future. This phenomenon of identity is almost unique in the developed world.

For some time now, bilingualism has been creating hostile feelings among non-French Canadians. The attempts to have two languages where numbers warrant, most notably with respect to French services, has been costly and divisive since it never really had been implemented in the way it was intended to, or designed to be. Furthermore, the apparent double standard in the implementation of this policy, as is the case with Quebec, has further eroded French and non-French relations. In simple terms, it does not work and it cannot work.

On aboriginal rights: Now for the very difficult problem involving Native or aboriginal rights. Yes, Native rights should be enshrined in the Constitution. They, too, are a minority, a distinct society, and the true founding nation of Canada. I emphasized the word "distinct" because they are more distinct than Quebec ever could be, and the word distinct always seems to be directed towards Quebec. However, there is a problem with Native land claims and Native reserves. This might be somewhat controversial. The concept of reserves is questionable since it places aboriginal people on marginal land which, in many instances, may never enable them to realize their aspirations for self-sufficiency and/or

self-government. There are a lot of reserves that could never be self-sufficient.

Integration may very well be a better choice for Native people, as is the case in the United States where many more Native people are better off and more accepted in society than here in Canada; but would Canadian Natives accept this integration? Likely not. Therefore, they should have special status in Canada. Whether or not the Native people in Canada could ever achieve success on reserves is a question that many do not wish to address, but possibly should. What the alternative answer would be I could not say. I do wish Canada's First Nations all the success in the world, but I encourage them to keep their options open.

On the division of powers: It is imperative that Canada have a strong federal Government. There is absolutely no possible way this country could survive for long with extensive decentralization. This country is too vast in size, too culturally diverse and has too great a problem with regional disparities to attempt to function as many individual entities within a larger entity.

The current division of powers is satisfactory. All it needs is for both the federal and provincial Governments to carry out their respective responsibilities in the appropriate manner.

The present practice of the federal Government of sometimes playing politics with transfer payments and so on in order to keep some provinces in line or pacified is quite unacceptable, while the provincial Government's misuse of specific funds, for example, using education or health funds for general use, is equally unacceptable.

Extensive reform of the Parliament: Both Houses would conceivably correct many of the difficulties facing the so-called smaller provinces in dealing with the federal Government. It would undermine the attempts by any federal Government to provide leadership and programs for the good of the whole nation if the provinces had considerable jurisdiction over such things as defence, communications, international trade, natural resources, immigration and many more. The only area where provincial power could possibly be exercised is in the case of immigration, maybe one exception.

Once again, the quest for power by provincial Governments has created a type of siege mentality, in other words, a total lack of feeling for unity and what is good for all. How can Canadians ever expect to think as one people or to understand the differences between the cultures and regions of the country if they are always groping for more power?

Senate and parliamentary reform: For the Senate and Parliament in general, there must be extensive reform of the two Houses of Parliament and I do emphasize both Houses. To abolish the Senate would leave the majority Party in Parliament in an absolutely dictatorial position. Already the governing Party completely ignores the wishes of the population. This problem will only be exacerbated by a unicameral Parliament.

There must be checks and balances in Canadian Government, since we Canadians have demonstrated that we cannot control this kind of power. Our system of Government is vastly different from any other so-called democracy in the world. I cannot understand why we would want to create even more divergence between ourselves and the more successful countries.

* (1430)

The American and Australian Governments, among others, use an effective Senate, creating a better balance of power. Why can we not do the same? It seems to me they also elect their President or Prime Minister individually too.

One final note on parliamentary reform: The Prime Minister should be elected separately by the population, as is the case in most other democracies. This would possibly prevent a misuse of power. It would likely free Members of Parliament to speak out openly, as should be the case in a truly democratic society.

On the amending formula and the amending process for constitutional change, the solution should be obvious. To have unanimous approval for constitutional change is ludicrous. That would make it virtually impossible to have meaningful change in the future. This is one of the major reasons for the failure of Meech Lake.

Furthermore, the process for instituting change was absolutely unbelievable and I feel stupid. Never again must this country hold secret meetings on something so important, especially when unanimity is necessary to effect changes.

Never again should any Government in Canada use intimidation to force compliance. I think there was ample evidence of that in that fateful week in June of last. A more open process involving public input could very possibly have resulted in a successful

conclusion of the Meech Lake Accord. We may have then been spared the hostilities that have resulted in the present crises. This hostility may take generations to heal.

Other provinces' constitutional proposals: I am only aware of one constitutional reform proposal by other jurisdictions, that of Quebec's infamous Allaire report. My response to that report is quite simple—forget it. It is not worthy of any real consideration. That proposal is one step from separation for Quebec. Furthermore, to consider giving other provinces the same power would create an impotent country that would be the laughing stock of the world.

An ultimatum by a Quebec Leader angers me. That is what it amounted to, an ultimatum. The position taken by Premier Bourassa was not even his Party's accepted position as yet.

Now, my concluding statements: The message I have been attempting to convey is that there has to be a fundamental change in our thinking or we are doomed. Premier Bourassa's endorsement of the Allaire report is an example of the depths to which Canadian thinking has fallen. I am not surprised that Quebec wants to separate; it was inevitable. They would eventually regardless of the outcome of any future national negotiations. Therefore, I must say that if they are determined to separate, then they should be allowed to do so, but under certain conditions only. May I have two more minutes? -(interjection)- Oh, okay, thank you.

The certain conditions: Firstly, Quebec must be reminded that their favoured position here has given them the luxury of being in an economic position enabling them to survive independently of the rest of Canada. Therefore, they must assume their fair share of the national debt, payable immediately. After all, they claim that they are a viable entity, unlike the federal status of Newfoundland that they so astutely observed last summer. They should be able to raise the funds anywhere.

Secondly, the concept of any economic association or any other association with the rest of Canada must be removed from their minds. The divorce should be absolute. However, if the will later exists, then the two cultures of Canada could be reunited.

I am an optimist in that I believe that eventually Quebec and the rest of Canada will learn to live together and reunite for the good of all, but for now, let Quebec separate or attempt to separate.

Unfortunately, we have nobody to speak for Canada. The Prime Minister is from Quebec and is effectively unsuitable. It was his intransigence in his refusal to allow any discussions on the Meech Lake Accord, insisting that it had to be passed as is. This was a major factor in the failure of the Meech Lake Accord. Furthermore, he was the one who implanted in the minds of Quebecers the idea that failure to pass the Meech Lake Accord meant that the rest of Canada was rejecting Quebec. He did nothing to change that interpretation to this very day.

What we have had in Canada is a colossal failure to communicate our feelings to each other. We have failed to allow for meaningful input by caring citizens in this country, and I mean meaningful input. Politicians have repeatedly demonstrated their desire to control this country. They are apparently telling the population that only this privileged group is wise enough to decide our future. Now look where we are under the guidance of this brilliant bunch.

If we have to continue to depend on this group of egotistical politicians, then I can only say, God help us all. Thank you for your attention.

Mr. Chairman: Thank you, Mr. Kozak. Are there any questions? Mr. Martindale.

Mr. Martindale: Thank you for your thoughtful presentation. I would be interested in knowing why you think multiculturalism is divisive. My children consider themselves Canadian, but they would also say that they are of Ukrainian heritage. They are in the English-Ukrainian bilingual program at their elementary school. I have never known of any fights or disputes between the English language students and the bilingual students at that school, but maybe you could give me an example of why you think multiculturalism is divisive in Canadian society.

Mr. Kozak: I will attempt to. The short presentation did not allow me to expand on that particular point, but what I was getting at—there are a few scenarios to it. Multiculturalism has some benefits, some merit; but it can also grow into a situation which we are experiencing similar to that of Quebec. When other minority groups will start demanding more and more of their distinctness, we will almost subdivide into a bunch of little countries as opposed to one, all trying to please everybody, instead of the feeling that they should have as being part of one country.

You mentioned the Ukrainian heritage. I, too, am Ukrainian. I do not feel I have to have my particular heritage enshrined. I do not believe that I have to have

special privileges. If I wish to follow my heritage, I will do so. If I started making great demands in the case of—we will just take a very, maybe a poor example but, for example, the Sikhs who wish to carry the kirpan. That may be not a greatest of examples, but it might give you an idea of what I mean, that if everybody started demanding little things like that, before you know it they expand into greater demands and before you know we have no one thinking in terms of Canada as a whole, a unified country. The biggest example is Quebec.

* (1440)

Mr. Martindale: Would you be opposed then to recognizing the multicultural nature of Canadian society in the Constitution?

Mr. Kozak: Recognizing it, yes, but let us be careful how we phrase it, what we include in the multicultural rights which should be—if I remember correctly the 1981 Constitution indicated that multiculturalism should be expanded, should be—what is the word I am looking for?—enhanced, maybe. There should be ways of enlarging it. I cannot think of the right words but you get my meaning I am sure.

Mr. Martindale: You mentioned an effective Senate. Did you mean an elected Senate or equal representation from each province? What did you mean by effective?

Mr. Kozak: A Senate to be effective—okay, you have the Triple-E Senate, which I think is a good possibility. The effective part means it must have some power, not just to rubber-stamp Bills. We may as well not waste our time with it. Let us take as an example the American Senate. The American system is not the best, but it is a little more representative of the population. There a Senate can initiate Bills; there a Senate can oppose the President; there a Senate has some value—[illegible]works. Also, the Senate in Australia, the Senate in several European countries, they do the same thing—something that has some power, that they can be a check—checks and balances are what I am talking about, to Parliaments.

Mr. Martindale: So you are in favour of an elected Senate?

Mr. Kozak: Yes.

Mr. Martindale: Do you think that ordinary Canadians like yourself, average people, people of average income and means and of all different professions, should be eligible or should be able to run for an elected Senate?

Mr. Kozak: Yes, absolutely. In any democratic society everyone should be able to, not just have the right to, but be able to run for either House, everyone. You mentioned earlier about how the Senate seats would be distributed. There are a number of possible scenarios there. Having it divided by provinces is not necessarily the best answer. Maybe breaking up a territory for a senator to be between a Party and one policy part on the other, that way he cannot be favouring one over the other. He will act in the best interests of his constituents.

Mr. Martindale: The reason I asked about whether you thought ordinary people should be able to get elected is that in the province of Alberta, when they elected a senator, Mr. Stan Waters, he spent $160,000 on his election campaign. I would be unable to run for the Senate if there were not spending limits. Probably you would not be able to either. I have difficulty raising the money for a small provincial constituency. Do you think that would limit the ability of ordinary people to get elected, if it cost a lot of money?

Mr. Kozak: I think I remember mentioning that everyone should not only have the right to run but be able to run. That covers that area which mentioned about the finances. I too would like to run for a political office someplace, but I too cannot afford to.

Yes, there should be some limits. There should be some means by which a person could run, where he or she does not have to spend a great deal of money doing so.

Mr. Chairman: Thank you very much, Mr. Kozak. Mr. Magnus Eliason.

Mr. Magnus Eliason (Private Citizen): Mr. Chairman and Members of the task force, I must say, and I say so sincerely, that I am thankful or grateful for the opportunity of appearing before this august body that is considering the Canadian Constitution on a nationwide scale.

I must regret that the tone of these hearings, maybe by the public, is sort of a starting premise that we do not have a country and that we do not have a Constitution. My submission is that we have both; we have both a country and a Constitution. Canada of course, our country, must be saved; that is, we must take steps toward eliminating the controversy that is taking place at the present time and has been for some time.

The erosion of federal power or the possibility of the erosion of federal power is a dangerous sign. Indeed

it was that aspect of the Meech Lake Accord proposal that caused me for opposing the Meech Lake Accord most vehemently.

I do believe in a strong national Government. If we are to be a nation among the nations of the world, and in fact we enjoy the respect of other nations, then we must have a strong, viable national Government.

The Constitution, of course, could and probably should be amended from time to time, but the thought of replacing it or rewriting the Constitution as such is not a sound one. We have a Constitution. There could be amendments to it as they become obviously needed from time to time, but not as a replacement of the Constitution.

When my people came to Canada, that is emigrants from Iceland, 115 odd years ago, Canada had already been formed as a bilingual country. It had been founded as a bilingual nation. As a descendant of those emigrants, I accept that. I accept Canada as a bilingual nation.

Minorities, that is national minorities, of course should have the right to practise their own culture. That was an inherent right and that is a right that must be practised.

Not that I am boasting, but I, as an individual, for instance speak the two languages equally fluently, my native tongue, that is the native tongue of my parents, and the English language. As I sometimes joke, I am totally bilingual, Mr. Chairman.

This opportunity in Canada for people of minority language groups to practise their own culture, their own language, their own customs, what have you, that is a right that must be preserved. We should never have any amendment to the Constitution that would tinker with that right.

Nevertheless, having said that, I am a firm believer that the individual should and must be equal before the law. I believe that the rights must be vested in the individual citizen and that, of course, means from that flows logically, Mr. Chairman, and Members of the task force, that there cannot be any special rights for any groups of people. We must retain this tradition of being equal before the law. No special rights should be vested in groups. The individual is what counts.

Some people may be surprised to hear this, we hear a lot about what we call affirmative action—as some people say, discrimination in reverse, if you like. Affirmative action is the proper title for it. I do not subscribe to that, because I believe that individuals are equal.

We must establish, and we have often talked about this—and it is difficult to establish. It is not a simple thing, but somewhere along the line as a nation, we must establish basic standards. Medicare, for instance, attempted to do that. The senior citizens' pension is a basic standard for all Canadians, but we must establish basic standards, floor standards, if you like, across the country from the Atlantic to the Pacific.

That of course means, Mr. Chairman, that we have to—and this is not a simple matter, but somewhere along the line we are going to have to tackle what we call regional disparity, so that being a Canadian means that you are subject to or entitled to some very basic standard. I am not saying anything about the Senate, but I will throw one idea out, and I have often mentioned it.

* (1450)

I do not know if I am totally enamoured with the so-called Triple-E Senate idea, but I do believe that if we are going to have an appointed Senate that appointments to the Senate must cease to be what we call a political plum. I would like to see, for instance, that Prime Ministers would become obliged to appoint people who are, obviously, outstanding people for some reason or another and who, for some reason or another, have through their lifetime fallen through what they might call the political cracks. I have known prominent citizens, outstanding people, people who would make a major contribution to our nation—in all political Parties, by the way. Somehow or another, the opportunity was not there or the time was not right, they fell through the political cracks, and their absence or their failure to get into an elected body was a decided loss to Canada.

I would like to see that the Prime Minister should become all but obliged to appointing people who fall into this category. I think I can think of two people whom the former Prime Minister Trudeau appointed. I think of Madam Casgrain, and I think of Eugene Forsey, certainly not appointed because of political affiliation, but people who obviously had something major to contribute to Canada.

I want to say that—by the way, I did not intend to say anything about the Senate, but I have said it. My thinking has evolved over the years. You see, Mr. Chairman, when you have been over a half a century active in politics, there is a lot of thinking; some of it may be oddball, but has sort of evolved in your mind.

There is one thing that perception or observation would have it that our political leaders have indulged

in political expediency over the years when it comes to dealing with Quebec. Actually, in my view, the people of Quebec have been deceived into believing that they can have some special favours—I would not go so far, although it might be true in cases as political plums—but that they could have some special favours by indulging in or being able to offer what one might well-nigh call bloc voting at election time. In other words, assuring a political Party that the bulk of the ridings in that province be delivered to a given political Party.

This is actually a deception because in my view what is good for all of Canada is also good for Quebec. There is no such a thing in the long run as something being good for Quebec that is not good for all of Canada. What is good for Canada is likewise good for everyone and consequently would include Quebec. Separatism in any form would, of course, be damaging to Canada and damaging to Quebec. One could go into speculation on this, but I am well prepared to say that it would be damaging for Quebec and damaging for Canada.

Any political leader—in my view, and there comes a time when we must take a stand, call a spade a spade, smoke ideas out if you like, stand up and be counted. Some tell me that I can do it fearlessly because the odds are likely that I will not seek the electorate again. Nevertheless, in my view, any political leader who considers the thought or entertains the thought that there should be some form of separation there is in my view not a good political leader. He is not showing good leadership.

This is my submission, Mr. Chairman, and Members of the task force. I thank you for your attention.

Mr. Chairman: Thank you, sir. Are there any questions? Start with Mr. Lathlin and then Mr. Praznik.

Mr. Lathlin: Sir, I would like to thank you for your presentation. Because we do not have a copy of your presentation, I wanted one area clarified. When you talk about individual rights versus collective rights, are you saying that individual rights would override collective rights?

Mr. Eliason: Well, what I am saying is this, sir, that in a democracy or my view is that when we call ourselves a democracy it flows from it that the individual has certain rights. Now, a group of individuals may band themselves together, but whatever right that group has, in my view, must primarily stem from the fact that it is composed of, first and foremost, individual Canadians—and when I say Canadians I mean residents of Canada. So, if you would interpret that as meaning that the individual rights supersede group rights, this is my interpretation of it.

* (1500)

Mr. Lathlin: I think you also, if I remember correctly, say all individuals should be equal.

Let me create a bit of a scenario for you here, and I respect your views very much. We have a man and a woman applying for a job and they both have exactly the same qualifications. Now, in view of the history in the way women have been treated and are still being treated today, because one only needs to look at the reports and the statistics and so on—one presenter told us, I believe it was this morning, it might have been yesterday afternoon, over half of the population of Canada is comprised of women.

Mr. Eliason: Fifty-one percent, I think.

Mr. Lathlin: Right. Now, who do you think would get the job?

Mr. Eliason: What you must look at is this. Of course, if they are two totally equal individuals, it would almost be a matter of tossing a coin. What you must remember is that a woman applying for a job, she is an individual. Not as a woman, she is an individual resident of Canada, same as when you or I apply as men apply for a job, we are individual residents.

What you are troubled with—and I understand it—is you are groping with the problem of, is it possible to right a previous wrong by creating another wrong? This is why I am opposed to what we call affirmative action. I believe in absolute equality of opportunity, equality before the law. If you practised that, it would not be long until you would have obviously or naturally righted a lot of previous wrongs.

For instance, what you are talking about is a wrong in the past that women had sort of one strike against them if applying for a job. That is your feeling. We cannot right that by creating another wrong, but we can right that by practising out-and-out equality. Time in time, that wrong will be righted automatically. That is my view of it.

Mr. Lathlin: Final comment, sir. As an aboriginal person, I have always thought of myself as being fairly successful.

Mr. Eliason: Fairly what?

Mr. Lathlin: Fairly successful, and I have competed for positions and I have experienced it first-hand

myself. That is why I make that analogy between aboriginal people and women.

Mr. Ellason: Yes. You see, you cannot—or it is difficult to spell out in a Constitution people's behaviour. If somebody persists in not stopping for a stop sign, you cannot stop him from doing it by writing it in the Constitution. You stop him through the practice of law, through justice, through exercising justice. To me—and I am very unequivocal about this—every individual should be equal before the law. Whatever race or religion or whatever he or she belongs to, and therefore it flows from that, that I consider of course the aboriginal people totally and completely equal before the law to me or any other Canadian.

Mr. Praznik: Mr. Ellason, you and I have had the opportunity to meet on several occasions. As someone who has played a role in the history of our province over numerous decades, it is always a pleasure to hear you speak of your principles.

Mr. Ellason: Thank you.

Mr. Praznik: I appreciate it.

Mr. Martindale: Thank you for your presentation, Mr. Ellason. Since you said that you believe that people should have the right to practise their minority culture, would you be willing to at least recognize in the Constitution that Canada is a multicultural society?

Mr. Ellason: I asked one very eminent man about this matter, dilemma, if you like. By the way, that eminent man has held one of the highest offices in Canada. It was his observation, he said he would have no problem with it being in the preamble of a Constitution, but he would have a problem if it was spelled out as an item in the Constitution. In other words, the difference between it being in the preamble, the preamble sort of sets out what Canada, in fact, is. If we speak of it being a land that stretches from the Atlantic to the Pacific, it is equally logical to say that it is, in fact, a multicultural society. I agree with this view. I think it ought to be there, because it certainly is a multicultural society.

I remember once when I was travelling in Europe, I was very proud to be able to tell somebody that in Canada you could find a temple or a church belonging to almost every major religion in the world. You could probably find people who spoke 35 different languages, not the same individual, but you could find people speaking 35 or 40 different languages. So I do not know if this answers your question, but I mean I am proud of the fact that I belong to a country that recognizes minorities.

I have, as I said awhile go, taken advantage of that. I practise much or considerable amount of our heritage and our culture, that is the Icelandic culture, Nordic culture, and I speak the language fluently. So I appreciate, or I am a living example of a minority national group in Canada that has taken advantage of the free and open society that we live in. I do not know if this answers your question, Mr. Martindale.

Mr. Martindale: Well, I will ask another one to clarify.

Mr. Chairman: Briefly.

Mr. Martindale: That is it—pass.

Mr. Chairman: Thank you very much, Mr. Ellason.

Mr. Ellason: Thank you very much.

Mr. Chairman: Ladies and gentlemen, before I call the next presenter, I am pleased to acknowledge the presence of Mrs. Sharon Carstairs who is now standing in for Mr. Jim Carr. As I am sure, everyone in the audience knows, Mrs. Carstairs is the Leader of the Liberal Party in Manitoba and is the Member of the Legislature for River Heights.

I am also pleased to acknowledge on my right side, as opposed to my left, the presence of Mrs. Rosemary Vodrey who has joined to replace Mrs. Render, and Mrs. Vodrey is the Member of the Legislature for Fort Garry.

So our next presenter is the University of Manitoba Students' Union. The spokesperson is Mr. Lamont.

Mr. Dugald Lamont (University of Manitoba Students' Union): I would like to thank you for giving me the opportunity to speak today.

Mr. Chairman: It is a pleasure to have you here, Mr. Lamont. It is a nice term-break day.

Mr. Lamont: Yes.

Mr. Chairman: You are not off skiing or doing what thousands of your colleagues are doing?

Mr. Lamont: No, I am staying in town and working hard.

Mr. Chairman: Me too. Good to have you with us. Carry on, please.

Mr. Lamont: As it stands now, post-secondary education is decaying. There is no one single problem to be addressed and solved; it is a problem that is systematic in nature. This diagnosis is easy to come by. When, as a student leader, I asked the administration of the university why tuition is going up

10 percent for the fifth or sixth year in a row, the administration responds by laying the blame at the feet of the provincial Government for underfunding. The provincial Government, in turn, blames cuts in transfer payments from the federal Government. The federal Government says, it is not our responsibility that the universities are getting more than enough now but are being badly administered. Much of this, of course, is completely irrelevant to any constitutional discussion. Many of their problems are administrative in nature and are therefore not something for discussion on any legislative level at all.

However, there is a fundamental change to be made, which though it is by no means a panacea of glorious solutions to the problems facing our universities today, it is a start on the road to recovery. The first step is making post-secondary education a federal jurisdiction in our Constitution. As it is structured in the BNA, education is a provincial responsibility. Clearly, this makes sense for primary, secondary and technical vocational schools within the provinces. The people who learn at these institutions are more likely than not to remain in their own province to live and work. This is not the case for post-secondary institutions, and it is certainly not true of the U of M.

* (1510)

Once we reach the level of post-secondary education, there is a large increase in the mobility of the student. Many students from Manitoba go to schools elsewhere in Canada, and many come here. U of M is one of the five largest universities in Canada and, as such, serves a very large area encompassing students from northern Manitoba, Saskatchewan and northwestern Ontario. There are also many foreign students at the U of M. This is basically an extension of foreign policy which remains, for the time being at least, within the jurisdiction of the federal Government.

The graduates of our post-secondary institutions in Canada are also far more likely to travel, either to another part of Canada or another part of the world, and therefore their education is a benefit, not for their home province, but to the country as a whole. Therefore, it falls into federal jurisdiction. This, of course, is the argument on the philosophical side of the issue and, as such, is somewhat nebulous. The practical side of it is that post-secondary education is without either direction or accountability in Canada. Ottawa holds the purse strings but refuses to accept responsibility for loosening them or tightening them.

Post-secondary education funding, which amounts to roughly 35 percent of the EPF funding to Manitoba and about $200 million a year at the U of M, is shuffled between the federal Ministers' portfolios and has occasionally ended up under the auspices of the Minister of Youth at the federal level. The fact that the provinces cannot support post-secondary education without massive grants from the federal Government is testament to the absurdity of the current structure.

Federal Government jurisdiction would also make sense from two other perspectives. It would mean a guarantee of funding for universities across Canada that would not be altered by disparities in the provinces' ability to pay, and it could and should help assert a national standard for post-secondary education.

Education is one of the single greatest responsibilities a country has to its people, yet in Canada we are entering a world with a system of post-secondary education that is without leadership or direction and without accountability. If it were placed in the hands of a single federal ministry of post-secondary education, I believe we would have both the direction and the accountability that post-secondary education so desperately needs.

We do face the difficulty, however, of placing our universities in the hands of a federal Government that has so far been unable to deal in a balanced and equitable manner with its citizens outside the major population centres. This clearly has to be a cause for concern because there is no point in restructuring the post-secondary system only to have it be administered in a manner that makes it worse not better. The distribution of the Centres of Excellence grants to universities is proof of that. The U of T received several; the U of M received one.

Democracy as we know it here in Canada is an attempt to idiot-proof Government; that is, it is designed to limit the damage any one leader or Government can inflict on the country because the Government can be ousted. Unfortunately in Canada the only such mechanisms are the non-confidence vote in the House of Commons and the automatic requirement of regular federal elections. Even a massively unpopular Government like the one we have in Ottawa today cannot be ousted, though it is clear that the vast majority of the electorate wish that to be the case. Our Constitution has also failed in that

it fails to take into account the vast disparities of population between provinces, and as a result the federal Government will follow the wishes of the majority to the detriment of the minority because that is all it needs to do to gain re-election.

Perhaps a look at the Australian Senate would help. There, an elected Senate with legitimate legislative power can defeat Bills, and if it finds itself deadlocked with the House of Representatives, both Houses are adjourned and an election is called to determine the will of the people. Such a mechanism would be infinitely preferable to the present system in Canada, where even though senators may be exercising the will of the people, they are doing so without being legitimized by being elected. A Senate, elected, and structured to adjust for disparities in population, would mean the needs of post-secondary education would be met in an equitable manner across the nation.

Thank you for your attention.

Mr. Chairman: Thank you, Mr. Lamont. Questions now?

Mrs. Sharon Carstairs (Member for River Heights): Thank you, Mr. Chairman. Dugald, when you talk about the need for national standards, and that is something with which I concur, do you not think the need for a national standards in education is just as imperative at the elementary and high school level as it is at the university level since that is the training ground for the university student?

Mr. Lamont: I do. Actually, although my specific field is as spokesperson for a student union of a university, I think that there are problems in the educational system from the ground up. I still think that secondary, primary and technical vocational schools should remain the jurisdiction of the provinces simply because it makes more sense because the people there will stay in those provinces. I do also think that a national standard for education should be enforced.

Mrs. Carstairs: The second aspect of that, not only the standards, but the equalization, what we have found over the years with regard to post-secondary education is that it tends to be based on the number of people in a province rather than the number of students in that particular province. I come from a province, Nova Scotia, where Dalhousie always had disproportionate numbers of students because it had of the only graduate schools disproportionate with regard to the other Atlantic region. Even back in the 1960s I was going before a federal Government and asking for a more equitable form of funding based on the number-of-students ratio rather than the number of people who lived in that particular province, but that leads us to the importance of the equalization formula vis-a-vis our Constitution. Is that the critical aspect of our federalism in your opinion, and if it is, how do we guarantee that there is more equality from the federal Government down to the provinces? You have used a perfect example in terms of the Centres of Excellence.

Mr. Lamont: It is very difficult. The problem with predicting how much money you have to give, even if you are calculating it with students, is figuring out how many students are going to be there the next year. You always have to budget far enough ahead of time. That, in fact, was one of the biggest problems during the 1980s because of the baby bust of which I am a part. They assumed that university enrollment would go down and they were completely wrong. It kept on going up.

What the system probably needs is better guesswork. I do not know whether that is actually something that belongs directly in the Constitution, whether that is not sort of more of a legislative or administrative task. The equal treatment of the various areas of Canada, I think, has to be addressed. I think that the elected Senate would help because as it stands now, well, a place other than Ontario or Quebec, they do not actually need to—they do not have to pay as much attention to them just because of the population disparities.

Mrs. Carstairs: Finally, as you are well aware, EPF funding has come from the federal Government to the provinces in the way of transfer payments, but has not always been spent on either post-secondary education or health care because it goes into consolidated revenues. Do you think that a future Constitution should in fact impose a guarantee that when monies are transferred for a purpose to the provinces, which is the way it used to be, that they also impose an obligation to spend it on that area?

Mr. Lamont: Absolutely. They should be earmarked. That is one of the biggest problems, is that the transfer payment, although it has—because that is what its name is, people will assume that it is a transfer of cash when, in fact, it is just a transfer of taxation power from the federal Government to the provincial Government.

As a result, the provincial Government could, although I certainly will not say it does—a provincial Government could use that money that is supposed to be earmarked for post-secondary education or

health care and use it to build roads. There have been a number of accusations of that, and I do not know how justified they are, but it is certainly possible under the present system which is unfortunate.

Mr. Chairman: Other questions? Mr. Martindale.

Mr. Martindale: Since you have recommended that we look at the Australian model of a Senate, what kind of powers would you give an elected Senate in Canada?

* (1520)

Mr. Lamont: Because they would be elected—I actually have some slight sort of personal interest in the difference between being appointed and elected, because I am an appointed official and I have no vote on my council. Therefore, I have the right to move motions, second them and speak on them, but I have no right to vote. So I know all too well why a person who has not been elected should not have the right to make decisions of great magnitude.

If they were elected they would have the power, for example, to kill money Bills. More importantly, they would act not only as a more legitimate sober second thought, as the Senate was originally designed to be. In the end it has sort of fallen by the wayside and only now is starting to act up. Even then there is a great question about its legitimacy. If it was elected I feel that would be changed.

Mr. Martindale: Do you think if an elected Senate had the power to kill money Bills that in effect the bulk of power would immediately be transferred from the House of Commons to the Senate?

Mr. Lamont: No, not necessarily, because I think the onus would still be on the Parliament to initiate Bills. It might just improve the Bills that Parliament has to pass.

Mr. Martindale: Finally, what did you mean by, structured to adjust for severities in population? Would you consider a Senate elected by proportional representation to fulfill that idea you have recommended?

Mr. Lamont: Probably something along the lines of the Triple-E Senate, so it would be equal, elected and effective; so you would have equal numbers, or if not equal, more balance to offset the disparity of the extremely large number of representatives in the House of Commons from say Ontario and Quebec and the comparatively small amount from everywhere else.

It would be almost perhaps somewhat like the American Senate, where you have two senators from every state, or however many senators from every state, to balance that population disparity, so that a place like North Dakota has an equal voice with a place like California even though there is a huge difference in the number of people in both states.

Mr. Martindale: Thank you.

Mrs. Rosemary Vodrey (Member for Fort Garry): My question is on your point about national standards. I am wondering, in terms of national standards, what you might be referring to. I am having trouble looking at an application of that term. Are you referring to it as a national initiative of valuing of post-secondary education or is there some way you can see the issue of standards being applicable?

Mr. Lamont: I think I probably meant it in the—national standards in terms of perhaps a standardized test or standardized methods of evaluating people.

Mrs. Vodrey: For admittance or across course work?

Mr. Lamont: Both.

Mrs. Vodrey: At graduation? Thank you.

Mr. Chairman: Are there any other questions?

Ladies and gentlemen, we are going to take a short break now. We will be back with you in about 10 minutes.

Before I do that, I had indicated to our viewers on television that I would give our address as a task force We would be very pleased if anybody out there watching us on television would like to write us, give us your views in writing. It does not have to be any kind of formal document, just a sincere expression of your views. It would be most welcome.

You can write us at the constitutional task force office; 4th floor of the Woodsworth Building; 405 Broadway; Winnipeg; R3C 3L6. Of course to anyone in the audience, the same invitation is open. You will of course have that address in the task force pamphlet which is available at the back of the room. So we will shortly be back with you. Thank you very much.

* * *

The hearing took recess at 3:25 p.m.

After Recess

The hearing resumed at 3:42 p.m.

Mr. Chairman: Ladies and gentlemen, we are ready to resume. I am sorry if we have kept some of you waiting. I would like to acknowledge another Member of our permanent task force, who has just arrived, Ms. Jean Friesen, who is the New Democratic Member of the Legislature for Wolseley.

Our next presenter is Mr. Rupert Whitehead. Good day, sir.

Mr. Rupert Whitehead (Private Citizen): Good afternoon, Mr. Chairman, and Honourable Members of the committee.

I would like to express my gratitude for the many hours that you have put on this very important topic and the many hours that you will still have to put on. It may be a relief to you that my presentation is only a single sheet.

It is my belief too many Canadians are unaware that our country may have to devalue its currency officially. Those building pensions will suffer as well as those receiving pensions.

Many important decisions are no longer being made by our elected rulers. They prefer to hide behind polls. Many Canadians are aware that from a prime ministerial level all the way down to the level of reeves, the greed for power, for money, for perks, for large pensions is very powerful, if not their most powerful driving force. In fact, so strong is this force that ethics are less and less a guide for thoughts and behaviours. This results in the need for more laws. Legal talents are then employed to thwart them and a confusing situation becomes still more confusing.

The word "hypocrisy" is endangered; it is being supplanted by the word "political." What is still more alarming is that most of us, if we found ourselves in a position to govern, would soon discover that we would not be able to cast the first stone.

Allow me to mention but a few things that are a result of this wretched picture. 1) We are continuing to ignore a very important group of citizens, our Indian brothers and sisters; 2) The political disposition of the CF-18 contract; 3) The transferring of assets from Manitoba to Edmonton.

If such things were done for the good of our country, I would have no quarrel, but when done for political reasons (votes), they cause horrible damage and continuing damage. I mentioned reeves. Let us not forget the damage that is being done right on our own streets under the guise of politics. Let us also remember that politicians, when making promises to get our vote, are being financed by us. Once elected, however, it is our money again which pays for their promises. Poor Lewis Carroll, he was born far too soon.

So with the elected having painted themselves into a corner, and we the voters being no better, who is left to draw a new Constitution? Nevertheless, it must be done. Two things stand out: (1) Indians—they must be given dignity; they must have the opportunity to become full citizens, leaders and rulers; also, we have much to learn from them. (2) We must keep Quebec in Canada.

Mr. Chairman: Thank you very much, sir. Any questions?

Mrs. Carstairs: Well, I thank you, Mr. Whitehead, for putting the priority first on our aboriginal peoples because they are our first peoples. But with respect to the second point that you make, we must keep Quebec in Canada, I have to ask you: At what cost? What would you be prepared to give to a changed country, because it will be a changed country, and what must you keep in the hands of the federal Government?

° (1550)

Mr. Whitehead: You say, at what cost? I am not in a position to give you any figures. It will be just a general statement, but I believe the cost would be very, very great. I think that Canada without Quebec would become—I hesitate to even say this—a Third World country. At the present time, we are higher than a Third World country, although we have a very low population and we are very, very spread out. Nevertheless, I think we have gained some respect in the world where members of G-7 and committees of that kind, I doubt very much whether we would remain members of those committees. I think we would sink back to a country—the regard from the other countries would lessen considerably.

I think that we must go all out to keep Quebec. I also think we have to be patient because I think there is a strong possibility that Quebec in the end will not leave, and that is going to depend a lot on how we handle this situation. By that I do not mean me.

I read something in the Globe and Mail on Saturday which said rather cleverly that Quebec is standing in the doorway. They are not moving out of it. In fact, their thoughts are what they are leaving behind and some of them are even tempted to go back and get an old sweater or something of that kind.

You know this sort of re-enforces my own personal thoughts, that when it comes down to the real crunch,

they will not do it, but we may be so foolish and make such silly statements that are going on, they are easy to find, that we may just tip them out of the doorway, and then I think this whole country is going to be in very bad shape.

Mrs. Carstairs: If one looks at the Allaire report, one sees a number of issues in which Quebec says they want to have full authority or at least shared authority with the federal Government. They essentially leave only national defence, currency, equalization and the national debt with the federal Government. They say everything else should be with the province. If we take just one issue which they want total jurisdiction over, health care—

Mr. Whitehead: Which one?

Mrs. Carstairs: Health care. They want to have full and total jurisdiction over health care, no federal interference at all. Is that an acceptable issue for you, that health care would no longer be controlled by federal standards at the national level but would be given to the province so that each province would have an individual standard of the health care which they delivered in that province?

Mr. Whitehead: I do not think it would work that way, but remember this is a big, big poker game that is going on, and all these things that they put out are their chips. They do not expect to get anything like that. We have to be awfully careful as to how we handle this. This is a very, very delicate game that is taking place.

Mrs. Carstairs: Thank you.

Mr. Chairman: Any other questions?

Ms. Jean Friesen (Member for Wolseley): I notice that you have put as the first item for attention is the justice for aboriginal peoples. I wonder if you could give us a sense of the people who you know, your friends and neighbours and family, do you find a similar kind of insistence upon that type of program?

Mr. Whitehead: I do very, very strongly. I think this is a point that is being badly missed. It is brought out really by Quebec. Quebec say that we were here first and though we were conquered, we were not really conquered. Well, the Indians were here ahead of the people of Quebec, and they were conquered. Treaties were drawn up for them and those treaties, I do not think, are good enough for Canada.

I am a Canadian, and I say that all these things that are happening here must be done for Canada, not just for one group like Quebec or the Indians. They are important, and when I say things are stolen from—the CF-18 and all that—that is bad for Canada. All these things should be done to make the country grow instead of hoarding it here and there.

The Indians should be brought to a level where they make a major contribution to this country in their efforts, in the wealth they produce, in the wisdom they bring us. All these things are there waiting for us. For years, we have had an Indian Affairs Department which is about on the same level as the British foreign office. I mean a very low level.

Mr. Chairman: Any other questions? Thank you very much, Mr. Whitehead.

Mr. Whitehead: Thank you very much.

Mr. Chairman: Our next presenter is Glen Richardson.

Our next presenter is Mr. De Groot.

Mr. Stan De Groot (Private Citizen): Mr. Chairman, is that better?

Mr. Chairman: Good day, Mr. De Groot. Yes, I think that will be fine. Thank you.

Mr. De Groot: I come here as a private citizen. Maybe some of the points I bring up will not be so well received, but I feel I have to.

To begin my presentation, I would like to offer my condolences to those simpering, whimpering, gutless presenters, who having never fought or put their life on the line for their country, are not only willing to allow our country of Canada to be divided, literally torn apart, have had the gall to come before the Manitoba Constitutional Task Force and offer their assistance to destroy our country. They may be able to stand, walk, breath, exhibiting all the appearances of life, but in their hearts, Canada is dead. I feel sorry for those people.

I would like to ask a few very simple questions of the committee before me. Have you read the Canadian Constitution, any of you or all of you? Have you studied that portion pertaining to the provincial powers, and I mean studied it? Have you read The Municipal Act? Have you read the other part of The Municipal Act, the part that is not readily given out, the part of the Act used by the bureaucrats to apply The Municipal Act? I presume our Members should have read it.

As most of us drive cars, have you read The Highway Traffic Act, the City of Winnipeg traffic by-laws, the laws enacted on your behalf by your local councils—the free trade Act, the failed Meech Lake

Accord? Having shown that some of you have read some of the articles referred to, is there one person amongst you who can say that he or she fully understands the ramifications of applying the Act which you profess to have read? Let me draw your attention to I only went to Grade 8. I worked for 45 years and I am only 62 years old.

These questions were not asked with the intent of questioning your knowledge or intelligence. These questions were asked solely to draw your attention to the formidable task which you are asking us to do without having access to 1 percent of the information to which you have referred. It has been obvious by their absence that the most learned of our population, namely the lawyers, the doctors, the judges, the professors, et cetera, either do not care about the welfare of our country or they know that what is said at this committee will have absolutely no effect on the Constitution. Could it be that they think their time is too valuable to be wasted on the mere formality of a Constitution?

The Constitution is the umbrella which covers all of the Acts I mentioned in my questions. It will require some modification as time elapses, but for the moment it is the only one we have. The problem is not the Constitution. The problem is in the interpretation.

We have in our federal Government and the province of Quebec some individuals who are trying to build a kingdom of their own, having no regard for the multitude whose only desire is to live, work and raise their children in a free Canada. The question of language and culture is being exploited to the utmost to enable them to gain a personal glory and maybe go down in history as the individual or individuals who destroyed Canada. In other countries not so lenient as ours they would be shot for committing acts of treason.

* (1600)

Now I must, along with many more sincere Canadians, rise before you and present my opinion on the Constitution. We should all be compelled to swear allegiance to our country and flag, and be subject to penalties if we do not. The Canadian flag should always be flown in the centre and above any formation of flags in Canada, or above the provincial flag whenever an official display by any Government in Canada, federal or provincial. The public desecration of our flag, such as burning or allowing it to be tramped upon, should be severely punished. I will remind you, when I was a boy and we hung the flag before the school, if we let it touch the ground we got the strap.

No person should ever be referred to as an ethnic minority or majority. We are Canadian first, last and always. This does not prevent us from talking or communicating with each other in a language of our choice. The ability to speak, read and write another language is an achievement in itself. To be able to communicate in many languages, written or oral, is something to be proud of. Nevertheless, this does not give us the right to plead ignorance or demand the use of another language when we are fully conversant with the language being used.

The Forest ticket case is a prime example of a misuse of the judicial and constitutional system. The man in question is a very intelligent individual, fully capable of reading much more than a traffic ticket in English or French.

I am sure that if I received a traffic ticket in French in Quebec, it would be translated for me, and I would be required to pay for the offence. There would be no second-guessing on that. I do not get choices. There is not a judge in our courts who would throw the ticket out because I preferred the ticket in English.

Should an individual, such as an immigrant or elderly person, require a translation to a language he can better understand because it is obvious that he does not comprehend, then and only then should the translation be given. This translation would not absolve him from guilt and, therefore, the penalty. Justice with humanity and humility can still be done.

We have in this great country of Canada 10 provinces, the Yukon Territory and the Northwest Territories. Some or all of the territories will someday wish to acquire provincial status. These provinces should be considered as equal under the Constitution. The differences in their populations will be controlled as it is now by the representations in the federal Government.

The economic advantages that some of the provinces now enjoy should not be enhanced by the Constitution. It is well known that the ecology of this country is a direct reflection of the type of soil and weather. Repletion of any specie is self-controlled by nature until the blundering of man alters the habitat. The same theory applies to economics. Money or wealth grows wherever the conditions are favourable. It is up to the provincial Governments to enhance the habitat, to encourage a growth in the economy, but

lest they forget, I wish to remind them that workers must also live in that habitat.

I know of nothing in the Constitution that gives any province the right to bargain as an independent country with our federal Government. I also do not know of any particular clause in the Constitution which grants the right to our federal Government to agree to and discuss such a situation, never mind granting special privileges to the detriment of the other provinces. It is the duty of the federal Government to act as a conciliator, bringing all members of our Canadian family, namely the provinces, back to the common table.

The fact of the Prime Minister of our country discussing and rewarding the Premier of Quebec for refusing to come back to the table to talk is an absolute corruption of his powers and duty. It raises questions as to his intentions for Canada. If he is to allow a referendum to be presented on behalf of the separatists in Quebec, then let that referendum be presented to every Canadian in Canada. They are trying to divide Canada, not Quebec.

To expand upon my opinion that it is not the Constitution that is at fault, these are events as I see them. Step 1: We have in Ottawa Mr. Mulroney, a very highly self-motivated man, a man who manipulated by pressure tactics, exploited the masses as the labour management negotiator.

Having reached what he considered the pinnacle of his career in the labour management field, he entered politics, where again he used the pressure tactics he knows so well. He manipulated those around him. He admitted openly that he was applying these tactics in the Meech Lake fiasco, and he succeeded. He bluffed all the participants into agreeing. His only mistake was in not allowing for the effect that one ruffled little feather could have.

Step 2: We have in Quebec Mr. Bourassa and Mr. Parizeau. Both of these men are idealistic. Both believe the French language and culture are being destroyed by the rest of Canada. Both of these men believe in their hearts that Quebec must separate to survive. Albeit, they do not agree on the methods we used to attain this.

Step 3: Enter Mr. Mulroney, rebuffed by a feather, his ambitions thwarted. He turns his attention to the two local combatants. Mr. Bourassa, a quiet stubborn man but a dedicated worker for his people and his beliefs. Mr. Parizeau, shall we say a much louder, rabble rousing type of individual, also sincerely dedicated to what he believes his people and Quebec should do.

The stage is now set for Mr. Mulroney—have the CBC repeatedly present material as news in Quebec to insight the young idealists and therefore encourage Mr. Parizeau; have the bureaucrats in Parliament grant favours to Mr. Bourassa by infusion of money and special powers.

Mr. Bourassa and Mr. Parizeau having raised the public expectations, the great negotiator innocently standing in the background now steps forward and presents himself as the only logical candidate for the position of leader of this new country, Quebec. Yes, he is a great negotiator, a totally unscrupulous negotiator, but one little feather brought him down before, and I hope that it will be a hammer this time.

In conclusion, I readily admit I am not well enough educated to be able to establish the legal wording in a constitution, never mind be able to understand it. We have elected representatives to do this for us. We expect these representatives to put aside their own personal ambitions and work for the good of the entire country. We expect these representatives to quit blaming the uneducated man for all the problems.

* (1610)

Remember, by Government figures alone, 90 percent of us are functionally illiterate. We cannot even fill out a work application. We expect you to do the planning and then take action. It is better to have done something wrong and learn from our mistakes than to make the mistake of having not done anything. We expect you to work—no, we demand that you work for Canada, for Canadians, to the best of your ability. If you cannot or will not do this, then resign and allow someone else to do the job.

Our job as the public is to convey to you what we perceive as injustices and try to suggest ways to remedy the faults. Thank you for allowing me to present my thoughts.

Mr. Chairman: Thank you, Mr. De Groot, you have been very patient. We will not go over the history of your waiting over the last couple of days, but I am glad that we were able to accommodate you today. Are there questions?

Mrs. Carstairs: I have a hypothetical question for you. If the polls are correct—and we all know that polls are often not—but let us say if the polls are correct and a referendum was held today across Canada, I think the results would probably be that Quebec would vote for some form of sovereignty-association

or outright separatism, and the rest of Canada would vote for Quebec remaining in Canada. What would you do then?

Mr. De Groot: As far as I understand Canada and our Constitution, this is a democracy. The majority rules. I do not have the right to project my images on you. It is the majority. I would not allow them to leave. That is my country; that is not theirs.

Mrs. Carstairs: Mr. De Groot, that obviously leads us to the other question which is, on what basis would you have them stay? I mean, if they chose to leave, would you be prepared to use force to have them remain in the country?

Mr. De Groot: May I draw to your attention something that happened—I am slightly older than you. Although I did not fight in the war, we left school, and we went to work to do our part so I had no education. When those boys returned after the Second World War, many of them commented, before we take this uniform off, we should go back and clean up that mess in the east. Yes, if we must. I pray not, but if we must do it, let us get it over with and put this country back to where it belongs, one country, and stop this frivolous bunch of stuff that is going on.

I watched you attend it, and I watched the Meech Lake Accord as best I could on my dish, and I am going to tell you some of the things I saw. I watched you coming out of the meetings. I watched the other members coming out of the meetings, and I listened to what they said. Then I flipped the station and I watched The National and The Journal in Ontario. Then I watched The National and The Journal in Winnipeg, and then I watched what was shown in Saskatoon. Then I watched what was shown in the Yukon and, you know, I started to wonder where I was living. The news was not the same. The CBC has twisted the news in this country to the benefit and I presume under the guidance of the federal Government, and if they have not, then the federal Government should have fired them years ago.

Ms. Friesen: Part of our task here is to take the views of Manitobans and to reflect them either at a national level or certainly at a provincial level, and I note some of the things you were saying at the beginning, that we have access to more information than the average citizen does—this was your perspective.

I wonder if you might elaborate on that and perhaps give us some advice on the process we should follow here. Where should we go after having taken these views of Manitobans? How do we get across the information and the interpretations that we have to the people who presented to us and to the rest of the population? Do you have any advice for us on that?

Mr. De Groot: The first part of the question, as to why you have access to more information than I, prior to the federal election, I tried very hard to get the free trade Act. We phoned Ottawa; we phoned everywhere; we contacted our local offices. We could not get the free trade Act. I tried before Meech Lake to get the Meech. I could not get it.

It seems that our bureaucracy that we have set up, if I do not know the exact Bill number and name, I cannot get it. If I have to say it is a horse with purple dots in its eyeballs, I may get the horse with purple dots in the eyeballs, but if I ask for a horse, I will get nothing.

It is that simple. We cannot get it. We do not know the wording required.

I said also in my presentation, I leave it to you, the elected representatives, to get across how—I really cannot answer. While sitting here listening to presentations, as Mr. Fox-Decent said, I sat here—this is my third day. Before I heard any presentations given by the Native group, it struck me that all my life I misunderstood the Natives.

They do not have the white man's desire to gather wealth and pile it under his mattress. The Native only wishes to live today, to share with his brothers. This is why we as white men cannot understand the Native and why the Native cannot understand us. I have come to the conclusion I do not think the white man is right. We take nothing with us but what we came into this world with. What are we trying to gather it for?

Mr. Chairman: Any other questions? Thanks very much, Mr. De Groot.

Mr. De Groot: Thank you.

Mr. Chairman: The next presenter, Ms. Muriel Smith. Good afternoon.

Ms. Muriel Smith (Private Citizen): Good afternoon, Mr. Chairman, task force. I appreciate the opportunity to speak with you.

Mr. Chairman: Our pleasure.

Ms. Smith: I think any constitution should be designed so that it is flexible and adaptable to changing realities. It should be serviceable as a framework within which the political process takes place. It cannot in itself solve the political debates. It cannot, nor should it be expected to provide answers to questions which more properly belong in the realm

of political debate. What it should do, however, is be sufficiently flexible that alternative political solutions to our problems remain a possibility.

The essential components of a constitution should provide—and perhaps this is where the preamble notion comes in—a definition of how the nation sees itself. In the case of the Canadian Constitution, I think that should include a recognition of aboriginal peoples as having rights to be defined through a designated and ongoing process until a mutually satisfactory agreement is reached. I think it should then recognize the two founding peoples, French and English, later added to by many cultural groups, each bringing enrichment to the whole.

We also have the principles enunciated in the Charter which include the equality of men and women, and I think these principles should be given clear and enforceable primacy. That probably includes removing the notwithstanding clause. It was a compromise, a time- limited variation, but I would prefer to see it gone. The Charter should be given clear and enforceable primacy throughout Canada by means of a constitutional guarantee. These clarifications would go part way to eliminate the concerns around the Meech Lake agreement.

Because Canada is a federal state, the Constitution must deal with the thorny issue of the division of powers. In earlier, simpler times this division was carried out in a straightforward fashion. The federal Government had its exclusive powers, the provincial Governments theirs.

Over the years as complexities developed in society and the ability to fund needed services was eroded, modifications were made both by agreement and by independent action, and a number of powers were shared. The rigid method of dividing powers is no longer relevant to the fast-changing world in which we live. The fact that it has already undergone a series of adaptations based on the exigencies of the moment, both programmatic and financial, not on constitutional provisions, suggests to me that we should now avoid putting ourselves in a straitjacket. Strict definitions may satisfy the needs of today but not those of the future.

* (1620)

Furthermore, by tightly defining powers, we may surrender the very flexibility that we have needed in the past and shall need even more in the future. I prefer a developmental approach to the division of powers. Over time, initiative at the provincial level has been important—medicare's start in Saskatchewan, our own child care program in Manitoba, to flag just two—but so has the capacity of the federal Government to introduce minimum standards—again, in the medicare field—and its ability to bring about some measure of financial equity. Equalization grants, Established Programs Funding, the Canada Assistance Plan are the most notable.

I believe there should be a clear separation of powers only where there is no disagreement; the federal Government's responsibility for external affairs and defence, for example; the provinces' responsibility for the delivery of services. All other powers should be shared with the one proviso that when the federal Government can achieve a clear political majority in the House of Commons and in, say, two-thirds of the provincial Legislatures, a power or a portion of a power could be transferred exclusively to the federal level. This would give the needed flexibility and adaptability to change over time and would make the decision-making process open and accessible to the people.

Since we cannot start from scratch, I would allocate to the federal level those powers which it needs to increase equity throughout the nation, primarily in the raising and spending of public money and in the development of compensatory programs to assist the poorer provinces and regions on some variant of a sliding scale. The provinces could be delegated to deliver most programs provided they agree to meet national minimum standards or objectives, however we couch that sensitive word, as a condition of receiving the funds.

In general, I think every activity should be decentralized as far down the chain of decision making—federal, provincial, municipal or community, family, individual—as is compatible with the maintenance of equity. Diversity and local input into decision making are highly desirable provided they do not interfere with the principle of equity, both fiscal and in terms of quality criteria, variously known as standards or objectives.

Within this framework, I believe there is ample room for a high measure of autonomy for Quebec, for example, and for any other province which chooses to expand provincial or community level activity. I repeat, the only fixed principle governing such arrangements should be: Are they equitable in both financial and quality terms?

I think there should also be some recognition of the possibility of delegating some powers to international levels if the problem requires it, such as for environmental protection or arms control. To get away from the either/or—centralization or decentralization—it is trying to look at each power and each problem in terms of what its real needs are. Again, the equity issue is my prime concern at the federal level.

The principle of equity will be differently defined not only by different provinces, but also by different political Parties according to their philosophies, but they will have to present their version to the electorate and be judged accordingly. I guess my concern is that a constitution not preclude a variety of interpretations.

No constitution can do more than guarantee certain rights like those in the Charter. It cannot guarantee equality of access to services, opportunities or wealth, at least in the Canadian Cabinet style of Government as I understand it. I think in the States their entitlements sometimes do enable them to access equality of service through the courts. These must depend on the political process, and each Party must be clearly accountable to the public for its principles, policies, programs and results.

Compatible with this principle but going beyond it, is the right of aboriginal people to their own level of Government within the national framework. To give effect to this, a process to settle land claims and treaty disputes should be established and embarked upon until a mutually satisfactory settlement is reached between aboriginal peoples and the Government of Canada. I doubt the wisdom of imposing a time frame because that introduces an artificial restraint that may lead to an impasse rather than to a satisfactory conclusion. There would, in my opinion and in my hopes, be other pressures operating on both parties to bring them to agreement.

The current Constitution protects the current institutions by requiring a more stringent amending formula than is required for other sections of the Constitution. The Supreme Court should continue to be appointed by the federal Government, acting on suggestion from the provinces but still free to add its own choices. The only way of removing judicial appointments from the political arena, at least to the extent that it operates in the open, would be to have an independent process for selection. Attractive on the surface, this arrangement might just lead to more covert political influence and therefore be no improvement. I think it reasonable to guarantee one-third of the Court to the French-speaking peoples of Canada, but if there were a more flexible way to protect a proportion that matches linguistic realities, I would certainly consider it.

As for the House of Commons and the Senate, I would abolish the Senate or convert it into a permanent secretariat for federal-provincial relations. I see no particular virtue in having an appointed body to review and delay what the House of Commons has passed. If we take democracy, especially multiparty democracy, seriously, then we must let the process work and keep it transparent enough that the electorate knows who to hold accountable for decisions taken.

A better way to increase the relative power of the poorer, less populous regions might be to introduce reforms in the House of Commons to incorporate some elements of proportional representation and more balanced regional representation with the bias shifting in favour of the latter.

I do not favour a move to a full proportional representation system, as what might be gained in more clearly representing political opinion in the country might be lost through weaker attachments of elected politicians to local constituencies.

I look with great skepticism at the proposals for a Triple-E Senate. It is not that I do not agree with the sense of alienation and powerlessness that has led people to espouse it as a remedy. I cannot see how the introduction of another body of elected representatives would improve what we currently have. If the Senate was to have powers to initiate legislation, taxation and expenditure, as the Commons does now, which level of Government could the electorate hold accountable?

Perhaps the electorate has to recognize that no institutional machinery can guarantee equitable and regionally sensitive policy. Only the political process, for all its warts, can give the electorate a choice, both as to what it wants and as to what it does not like. If we want greater regional sensitivity and more equitable economic and social development, then we have to vote for a Party that believes in these policies and can show us how to realize them.

A Triple-E Senate would cloud political accountability. It would open the door to contradictory policies emanating from each House. It would introduce delay in Government's ability to act at a time when speedy responses are becoming more necessary. It would restrict the ability of the electorate

to come to terms with the different political philosophies and records of the Party, and it might further alienate the public because the Senate cannot do what its supporters want or need. The prestige of politicians in the political process would be even further eroded, and the field would be left open for other forces in our society to govern public life.

Another issue is the process to be followed to admit the Territories to provincial status. The current amending formula requires more than a majority but a long way short of unanimity. It meets the necessary test of consensus without tying everyone to unanimity. Giving the veto to each and every province or unanimity is a recipe for rigidity and inactivity when what our times need is flexibility and innovative action. They are not members of the club, say some; they are not sitting around the table; why should they have a say?

These supporters of the unanimity rules speak of the Territories as if they were a million miles away instead of attached all along our northern borders. To carry the analogy further, they may not be at the table yet, but I suggest they are kept in the same room but maybe under the table as lesser colonies. Surely we can do better than that and design a participatory negotiating process that requires the support of something part way between a majority and a unanimous vote.

* (1630)

As for the appropriate amending formula, which percentage, which number of provinces, I find myself squarely on the fence. So long as the percentage falls somewhere within the two-thirds and three-quarter mark, I would be satisfied. As for the number of provinces, since we are only talking about how to amend the institutional part of the Constitution, I would give the veto to each of Ontario, Quebec, to the Maritimes as a group and to the western provinces as a group. That will not please everyone, but I think it is a reasonable compromise under the circumstances.

I would like to see a process for constitutional change which takes into account contemporary practices and sensitivities. Public hearings and the participation of provincial Legislatures, as well as the First Ministers, are minimum requirements. Access to full information for the public and a pause between the tabling of the information and official votes should certainly be considered.

In conclusion, I want a Canadian Constitution that guarantees basic rights, and I think a strengthening of the primacy role for the Charter would suffice. I want a Constitution that is flexible, adaptable and conducive to realizing greater equity throughout Canada over time. I want a Constitution which sets the framework within which the political process can proceed with clear espousal of positions and clear accountability for all the electorate to see.

I want a Constitution which devolves as much decision making to the personal and local level as is compatible with national financial equity and the maintenance of equitable quality standards, thereby enabling all provinces, but particularly Quebec, to take much more, if not absolute control of its destiny into their own hands, and I want a Constitution that offers all the provinces, the French and the English-speaking peoples, the territories, aboriginal peoples, the members of each cultural group, men and women and all those with special needs, the elderly, the sick, the very young, the differently-abled to find their rightful place in a democratic Canada.

Mr. Chairman: Thank you very much, Ms. Smith. Now questions.

Mrs. Carstairs: Although we might have some minor disagreements, I would not feel at all uncomfortable living in your Canada. To the specific issues of the delineation of powers, I agree with you that they should be at the level where they can be most delivered.

How do you do that, in your mind, and also obtain the kind of national standards—and to just give you a very specific example, Quebec has said they want to put in some form of extra billing in the province of Quebec. The Canadian national standard says there shall be no extra billing. How do you reconcile their right to the devolution of that power and, at the same time, the national standard?

Ms. Smith: I think the national standard should say no extra billing. It does now—no funding from the federal level unless they comply. I think the pressure then would be on the political power at the federal level to provide adequate funding. If they fail to—and many of us think that currently they are failing to do that adequately—the political pressure would grow for change.

I do not see this as a solution to all the problems. I think what it does is focus on the political process whereby people hold accountable the powers that be and change them if they are dissatisfied. On this, I would not grant Quebec that power.

Mrs. Carstairs: All right. I have just a very brief question. If they, in fact, went ahead and extra billed in that province, are you suggesting that you would then leave it up to the people of Quebec to determine that was unacceptable, or would you give the federal Government the clout to actually withhold funding until they met their requirement?

Ms. Smith: The latter.

Mrs. Carstairs: Okay, thanks.

Mr. Chairman: Other questions?

Ms. Friesen: I was not sure at the bottom of page 1 where you talk about, there should be a clear separation of powers only where there is no disagreement. I am not quite sure what you are getting at there. That seems like a veto in a sense.

Ms. Smith: I think most people would, maybe not unanimity, but I think external relations trade at the national level, immigration at the national level, if not, how it sorted itself out at the provincial level, safety in the air, standards that clearly require a national level intervention. I hope in time environmental standards—I would hope some of that would even go to the international level. It would be a fairly short list. Some would see, you know, defence and military if we are to have it.

Ms. Friesen: It is one that would be changing in your mind. You have mentioned environment would be one that you hope people would eventually reach agreement on.

Ms. Smith: Yes, in a sense I would have it more in the shared area, but I would hope that in time the federal Government would have the political will to move it up to the federal level because I see that is how history has generally grown, from people having to take responsibility very much as families or local level to higher and higher levels of Government. I see hopefully that internationally we are going to be willing to do that too, to give up small amounts of sovereignty in the interests of the global society.

Ms. Friesen: I notice also you speak of aboriginal relations with the Government of Canada. I assume that is one national unquestioned area, or is that one where you see the possibility of shared powers?

Ms. Smith: I think the negotiation has to be national because of the need to have something in the Constitution. I think some of it could be delegated down the chain, but I think it has to be sorted out at the national level. Currently there is a mixture because aboriginal communities, I know in the social service area, they come under provincial law but federal funding, and it produces a lot of difficulty.

Ms. Friesen: I notice on your last page you talk about, in the sense of giving vetoes to the western provinces, and you are looking at those as one presumed interest group or one commonality. It is not one that I always see is there. It seems to me that Alberta and British Columbia in particular are very different from Manitoba and Saskatchewan. Could you comment on that? Why are you grouping them for that purpose?

Ms. Smith: I am grouping them because, having been initially quite enamoured of the unanimity rule because it did seem to give the smaller provinces and the very distinct nature of concerns at each provincial level a fair voice, the other side of a unanimity rule is rigidity, no change unless everyone agrees, and therefore I think you have to come down the chain somewhat.

To me, a geographical base seemed to be the only one I could arrive at given the nature of Canada and its history. If someone could come up with some other—you know, dividing the whole country into estates of different occupations and cut across another way—I do not know, male, female? I just have not seen any other way of breaking it up into groupings.

I think because of the Quebec history that it still makes sense for them to have a veto, and the only way to balance that out is to have other regions. I have not seen any better solution, but I would still be open. My thing is, you have to avoid unanimity, and I think a simple majority is not strong enough. Thank you.

Mr. Chairman: Other questions? Ms. Smith, if I may, I would like to ask you whether you have any sense of disquiet about what I think, on the face of it, is a very interesting approach, and that is, as long as equity is the test, then you push the issue of who does what as far down the line as you can at the local level. I guess I have just a little concern and I wonder if you do, as well, as to how we get at the issue of who is the piper and who pays the tune. I have some concern, knowing a little bit, as I know you do, about some of the aspirations in Alberta and British Columbia with regard to equalization payments, for example, some restiveness on their part about the contribution which they make to national equalization. I am just a little concerned about whether there would be a sufficiently powerful economic base, or taxation base, left at the national level to drive some of the

things which they would need to do. I am not concerned about—

* (1640)

Ms. Smith: I think I have left the taxation power at the federal level.

Mr. Chairman: Pardon?

Ms. Smith: The taxation power remains at the federal level, the main taxation power.

Mr. Chairman: You would see that they would—

Ms. Smith: That, to me, is part of equity.

Mr. Chairman: So they would have the unrestricted rights to tax and, as you come down the line, you would see more restriction, more limit?

Ms. Smith: Yes, it produces attention, but at least you would know where the bottleneck was. You see, I do see the political struggle as an important struggle from the people who see the Government's role as very limited to the people who see a more active role for Government, but I think it is in the interest of the public to see those issues in somewhat starker relief, rather than just province versus federal. It is because the federal takes a certain policy position, or the province does, and I think that we need a greater sophistication. I think a lot of debates in Canada get hidden behind the federal-provincial name-calling and do not get down to what the political values and economic philosophies are.

Mr. Chairman: Thank you. Thanks, again, for your presentation and response to questions. The next presenter is Mr. Vic Beaudry. Good afternoon, Mr. Beaudry. We have your written presentation, sir, if you would like to proceed when you are ready.

Mr. Vic Beaudry (Private Citizen): Thank you, sir. As a citizen of Manitoba, I am greatly pleased to be able to address a task force of Manitobans that will, I presume, convey some of my concerns about the various ways that this present Government administers the daily business of the Province of Manitoba. I will try to be as brief as possible. After all, my last day in school was June 30, 1935, and that being in School District 1329 in Vassar, Manitoba. Therefore, my education is very limited, and I will admit that I am partially illiterate according to today's standard of education.

A short story about my life dating back from 1935 to 1991: I always practised two words that I believe now are not in any dictionary anymore. These two words are "honesty" and "justice." I believe astronaut Garneau took them with him in outer space and left them there.

I will mention the words "honesty" and "justice" as symptoms of human behaviour in certain aspects of life, whether it be employer, place of trust, self-employed, merchant and so on, but today you do not receive any justice from all levels of Government, be it municipal, provincial or federal.

Was there not a Minister by the name of Charlotte Oleson in charge of day care centres here in Manitoba? When asked by day care personnel for better pay and better accommodations she replied, we have no money for such demands. When personnel said, then we quit, oh, she replied, I found $5 million that I did not know was there. She must have thought that all Manitobans are stupid. In my time a person making such a statement would have been fired on the spot.

I am now greatly concerned about some undertakings by this province, mainly the Conawapa dam. Will it turn out to be a white elephant for Manitobans and a gold mine for Ontario? Maybe half of the cost of this project will be paid for by the time it is completed, because the Hydro rates are going up by leaps and bounds every so often, and there is always a good excuse for such rise in rates. I do not forget the white elephant of the Duff Roblin era with CFI. There are too many unanswered questions about that project.

We are now faced with a subsidy for the western grain farmers. I am in full support for a subsidy, but look who is paying the lion's share of that subsidy.

Ottawa claims there is just X amount of dollars for Manitoba, but the Minister of Immigration, Barbara McDougall, just signed over the power of immigration to Quebec plus cash dollars to the amount of $332 million over the next five years—no money for western farmers but plenty for Quebec. We can now say that the Prime Minister of Canada, the self-appointed Robin Hood of Baie-Comeau, is well on the way to granting sovereignty to Quebec, himself being a native of that province. The present government of this country is about as dishonest and unjust that they could be compared to the Ceausescu's of Romania, who were executed by a firing squad not so long ago. We in Manitoba are paying the penalty of dishonesty and injustice caused by the federal Government.

We are told that this provincial Government is now accumulating a secret fund, of course with taxpayers' money.

I read that MLA Thatcher of Regina, Saskatchewan, now in jail serving time for murder, is receiving a pension of approximately $42,000 a year paid for by the taxpayers of Saskatchewan. Ex-Premier Dave Peterson of Ontario is receiving, since September 1990, a pension of $61,000 a year paid for by the taxpayers of Ontario. Premier Peterson was defeated in the last provincial election. I sometimes wonder what goes on behind the closed doors of the Legislative Buildings of each province and federal bureaus in Ottawa that we do not know of. What laws and by-laws are decided upon to benefit the MLAs and M.P.s and/or their friends that we do not know of?

We cannot pick up a newspaper or listen to the news on the radio or television without reading at one time or another that either a senator or M.P. or MLA or councillor or reeve is investigated by the RCMP or police for some kind of crime such as embezzlement or abuse of power and so forth. Yet we the public at large are never consulted when it boils down to money matters, then when it comes time for voting, who is contacted the most? But who are the ones that decides its secrecy the most?

Taxes: In the province of Manitoba, the City of Winnipeg has a deficit of over $1 billion. The province's deficit is between $300 million and $500 million. The federal deficit is over $80 million and the national debt is over half a trillion dollars, and both are growing at an alarming rate. Combine those three debts together, and I estimate that Manitobans are indebted for each man, woman and child to the sum of over $1,600 each. As the debt increases, so does this amount increase.

I wonder if the politicians are looking forward only for their own benefit or only to keep augmenting the debts of this magnificent country of ours to the point of no return.

Farmers will cease growing crops because they will be in the red so far that they will not be able to work the land anymore. People will not be able to pay the taxes that are demanded from the governors of this country. There will be no more money available.

Will the day come when people of this country cry themselves to death of starvation like some people do right now and like some of the people of the Third World countries do?

So far, I have not mentioned the injustices done to the Natives of this country. There are so many injustices that it would take over 30 days of eight hours a day of steady dialogue just to touch the tip of the iceberg, yet they are human beings like all of us but are considered worse than animals, and their situation is no better from coast to coast and not treated differently either.

Last week on CBC news, the Town of Elora, Ontario, population 3,000, has a female mayor, and in a cafe in the same town, when an elderly gentleman was asked what he thought of the present situation he replied: "I heard from different people from all walks of life and from different provinces that should Quebec continue to have its own way, and that Alberta which is now acting in the same manner as Quebec, an armed revolution may break out in Canada." For this he received a standing ovation and loud applause.

It is very relevant that today the class of society that has the most money are the ones that govern the same politicians that govern the entire country. I wonder how the secret fund of this province will be disposed of and who will benefit from the fund?

I am one who is in favour of seeing a watchdog committee elected to check up on the various levels of Government, to report to the taxpayers on a monthly basis how and where the taxpayers' money is spent and who authorizes such monies to be spent, verified by a detailed account, such committee to be elected from the lower class of people.

° (1650)

I have here a photostatic copy of my ICG natural gas bill for July 1990. Amount of gas consumed, 44 cents; total current gas charges, $8.25; less amount consumed, 44 cents; total taxes on above account, $7.81. Is that what the governors of this province call justice?

With this, sir, I conclude my presentation.

Mr. Chairman: Thank you, Mr. Beaudry. Mr. Praznik has a question for you.

Mr. Beaudry: Yes, sir.

Mr. Praznik: Mr. Chair, I just wanted to—

Mr. Beaudry: Mr. Who?

Mr. Praznik: I am addressing myself to the Chairman, Mr. Beaudry. I just wanted to comment for the record that you mentioned a secret fund. I would just point out that in Government we have a Provincial Auditor and that all the financial statements of the province come before a legislative committee and are reviewed

ultimately by the Provincial Auditor. I would just mention to you, by way of information, that those safeguards are there. You may disagree with how money is spent in public, but ultimately none of it is secret.

Mr. Beaudry: Well, I do not know, my friend. I could not comment because we never know how it is spent. We never know who gets it. The first we know it is in the hole, it is gone, it is dissipated and it is just like a windstorm—quick, it is gone. Where, we do not know. Why can we not know? Why?

Mr. Praznik: Yes, just for Mr. Beaudry's information, each year the Auditor releases vast amounts of material that outlines where public money is spent. Although that information does not necessarily wind up in everybody's home, it is certainly there. I just think it is important for the record to indicate that that material is all public where Government money is spent.

Mr. Beaudry: I do not buy that, sir, right now, but I will take it the way that you say it.

Mr. Chairman: Are there any other questions? Thank you, Mr. Beaudry.

Mr. Beaudry: I thank you, sir.

Mr. Chairman: Is Mr. Richardson here? Then the last presentation of the afternoon will now be given, the Rainforest Action and Information Network. The presenter is Sharon Blady, and I am sure you will introduce your colleague.

Ms. Karen Beattie (Rainforest Action and Information Network): Actually, my name is Karen Beattie, ladies and gentlemen. My colleague is Sharon Blady. We recognize the arduous task that you have had.

Mr. Chairman: Could you just give me your name again, please?

Ms. Beattie: Certainly, it is Karen Beattie, B-e-a-t-t-i-e.

Mr. Chairman: Beattie. Thank you. Your colleague is Sharon Blady.

Ms. Beattie: That is correct.

Mr. Chairman: Very good. Thank you.

Ms. Beattie: We realize the arduous task that you have had throughout this week, and accordingly, we will keep our remarks fairly brief.

Ms. Sharon Blady (Rainforest Action and Information Network): Good afternoon, Members of the committee and thank you for giving us this opportunity to address our concerns regarding current discussion on the Canadian Constitution.

Karen and I are members of R.A.I.N., which is an acronym for Rain Forest Action and Information Network. R.A.I.N. is a student group at the University of Manitoba which focuses primarily on deforestation issues both in boreal and rain forest areas. R.A.I.N. began by doing research on deforestation globally and soon realized that any concern for environmental issues inevitably ties into both ecological and social justice. It is for this reason that we chose this opportunity to address the Manitoba Constitutional Task Force today.

In examining deforestation and other environmental concerns worldwide, we found that human rights and cultural survival of indigenous peoples were often threatened. Some of the more well-known international examples are the Penan people of Malaysia, the Kayapo and the Yanomamo of Brazil. It soon became embarrassingly apparent to us that deforestation and mega projects in Canada and Manitoba often threaten the land-based way of life of many aboriginal peoples here as well as having environmentally adverse effects.

We feel that, in order to address environmental issues within a constitutional framework, aboriginal rights must go beyond the vague statements of recognition and affirmation in Section 35 of the current Constitution and must be given priority in current and future constitutional discussions.

We understand that this task force has a broad mandate to review the Constitution and recommend changes, and with that in mind, we would ask that constitutional justice for aboriginal peoples and the environment be given priority in constitutional renewal. The connection between the environment and aboriginal peoples is one that cannot be denied and is finally being given proper acknowledgement. This ranges from statements by Columbian President Barco in April of 1988 that land and indigenous people belong to each other, and to recent statements by Michael Anderson of Manitoba Keewatinowi Okimakanak that it is impossible to talk about sustainable development without weaving in the history and aspirations of aboriginal people. Significant cultural and ecological data have been gathered to support the conclusion that indigenous people are clearly more stable and better suited to long-run survival than our own industrial culture. The direct dependence on the earth has ensured a careful management of resources. There have existed

balances between human population and natural communities compatible with the survival of both.

The economic life of many indigenous people worldwide is based not on competition, but on co-operation, for survival is only possible if the community works together. Their economic practices are usually intricately linked with religious and social values. This spirit of co-operation is something that we must embrace to prevent further social and environmental injustice. While we admit that—and I quote from "The Gaia Atlas of First Peoples: A Future for the Indigenous World": "Indigenous forms of economy cannot, of course, satisfy the needs of a burgeoning world population now nearing 6 billion. But the knowledge and especially the values of the people practising them are vital. The scientific community has recently begun research into indigenous skills in resource management. But it is above all wisdom that is needed in Western culture—we all need to learn respect for the Earth, conservation of resources, equitable distribution of wealth, harmony, balance and modest co-operation. In 1928 Gandhi wrote: 'God forbid that India should ever take to the industrialism after the manner of the West. . . . It would strip the world bare like locusts.' Today all nations are set on a self-destructive economic path. The lesson from indigenous peoples is to live with, not against, the only world we have."

It is in this manner that we feel if we are to properly learn from the aboriginal people of Canada in a means by which we can alleviate current, and prevent future, environmental distress, they must first be given priority in constitutional agendas.

The aboriginal peoples of what we now call Canada have a rich and vibrant legacy that must, for our mutual survival, be properly addressed and included in the Constitution in a manner satisfactory to them, and that maintains the spirit of unity and justice that our Constitution should enshrine.

Ms. Beattie: Relating R.A.I.N.'s concerns more specifically to the Constitution today begins with the recognition of Canada's accomplishment in being the only Commonwealth nation with a Native indigenous people to have its aboriginal rights unconditionally entrenched in its Constitution.

The difficulty with the present Section 35 of the Constitution Act, 1982, is its various and ambiguous interpretations. Section 35 of the Constitution reads: The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed. It has been said that the constitutional protection of aboriginal and treaty rights in Section 35(1) means that no extinguishment of those rights may take place except by constitutional amendment or by consent of aboriginal people who hold those rights.

The uncertainty lies in just what those protected aboriginal and treaty rights are. In order to have a just and equitable Constitution for all Canadians, Native constitutional concerns must be addressed. Aboriginal people should be recognized within the Constitution as distinct societies, with protection for aboriginal language, culture, tradition and institutions, alongside the already entrenched Charter rights of multiculturalism which are found in Section 27 of the Constitution Act, 1982.

Canada is a signatory to the International Covenant on Civil and Political Rights and should recognize the responsibilities that it took on in doing so. Paragraph 1 of this covenant states that all peoples have the right of self-determination.

In signing the international covenant, it could be argued that Canada was essentially agreeing to recognize the right of self-determination by Native people and of Native self-government.

° (1700)

If Section 35 of the Constitution Act, 1982, is to be given full force and effect, all treaties and land claims agreements entered into between aboriginal peoples and the Crown must be fulfilled. Aboriginal peoples should be given equal participation rights in the process of constitutional change and, in particular, a vote or veto right with respect to constitutional amendment affecting their interests.

Aboriginal rights are those that arise out of the fact that Native people were the original owners of the land. Native people were not simply owners, but actual caretakers of their lands, and made conscious or coerced decisions to share their resources in order to harmoniously co-exist with non-aboriginal peoples. This generosity has not yet been repaid in spirit or in kind by the successive Governments of Canada. It is our hope that the Manitoba Constitutional Task Force gives first priority to constitutional justice for aboriginal peoples as well as the environment. Thank you very much.

Mr. Chairman: Thanks to both of you. Questions now. How would you see the—and I may have missed this and I fully understood the aboriginal issues as you raised them and gave your suggested solutions. I may

have missed this, and forgive me if I have. What is your response to the environmental issue? How should that be dealt with in the constitutional context?

Ms. Beattie: I believe that there is room for environmental protection to be entrenched in the Constitution, but I see the Constitution as a more symbolic document of what Canadians' desires are. For the environment, I think a more practical solution should be met through legislation, which I think has to be federal and could also be provincial in its scope. Such examples as the federal environmental assessment Act which is proposed, could be more stringent and should be enforced rather than bringing the environment up within the Constitution, although I think there is room for that as well.

Ms. Blady: Also, it should be mentioned that the reason for desiring proper aboriginal consideration within the Constitution is the fact that one cannot go on to take into consideration environmental issues without first including the aboriginal issue, because one cannot discuss land and the environment if one does not first adequately accommodate the true or original owners of that land. So if anything, it is stating that we cannot really go on to discuss environmental issues without first having the aboriginal peoples properly accounted for within the Constitution.

Mr. Chairman: Any other questions? Thanks again.

Ms. Blady: Thank you very much.

Mr. Chairman: That concludes our afternoon agenda, ladies and gentlemen. Again, on behalf of my colleagues on the task force, I would like to thank those who made presentations this afternoon.

We will be back this evening at 7 p.m. for another full slate of presentations. Those of you who have been with us on Videon and Cablevision this afternoon, we hope you might be able to return and join us again this evening. Until 7 p.m. I wish you a good afternoon and a good hour for dinner or supper, or whatever may consume the time between now and 7 p.m. Thank you.

* * *

The hearing took recess at 5:04 p.m.

After Recess

The hearing resumed at 7:08 p.m.

Mr. Chairman: Good evening, ladies and gentlemen, and welcome to our final session of this day. I believe we have about 16 presenters for this evening. I would, in a kindly but firm way, if I may, call your attention to the rules which give you a 20-minute limit on your presentation. There will be a bell ring after 15 minutes which, of course, suggests you have five minutes left and, at the end of 20 minutes, a second or double bell, at which time we would ask you to draw your remarks to a close. Following that, there will be an opportunity for the task force Members to ask questions. Sometimes they do, and on other occasions they do not.

I would like to welcome all those who are presenting this evening, together with any who may be watching in the audience in Room 255 of the Legislative Building, and also a very warm word of welcome to those who are watching us on Videon and Cablevision at home. I would hope you enjoy the evening. The Members of the task force, I will introduce just a little bit later.

I really would like to begin now with our first presenter, and it is the Abinochi Zhawaynkakozihwin with Edna Manitowabi as the presenter. I thought the faster I got over the Z word the better. I had an excellent coach in Mr. Lathlin, but I still did not get it right, and I am sorry for that. I know you will give it to us correctly. Welcome, and if you will be kind enough to introduce the person who is with you.

* (1910)

Ms. Katherine Morrisseau-Sinclair (Abinochi Zhawaynkakozihwin): Good evening, Members of the constitutional task force. My name is Katherine Morrisseau-Sinclair, and I am the chairperson of the parent council of Abinochi Zhawaynkakozihwin, which is an Ojibway immersion program located here in the city of Winnipeg. I would like to introduce Edna Manitowabi to you, and she will be presenting our brief to the task force. Edna Manitowabi is a respected elder and teacher within our culture. She is Ojibway Odawa and is a consultant and adviser to us in that capacity, so I would like to turn the mike over to Ms. Manitowabi.

Ms. Edna Manitowabi (Abinochi Zhawayndakozihwin): (Ojibway spoken—translation unavailable)

I just want to say "meegwetch" for being asked to come and sit with my sister here. I will just read this presentation.

Exactly six years ago, a group of Native parents began an Ojibway language immersion program for preschoolers. Grandmothers continued their traditional role as teachers of our language and

culture. Through a program of storytelling, songs, crafts, play and prayer, and our children listened and learned our ancestral language.

We came to call our program "Abinochi Zhawayndakozihwin" which translates as "the child we love and respect." It was the first of its kind in Canada and remains one of the only such programs in Canada today. Why is it so, and why is it necessary? These are questions the Manitoba Constitutional Task Force needs to ponder.

The history of Canada has been one of oppression and racism toward the original peoples of this land. The policies of Government after Government have been either to isolate the original peoples, hoping and promoting what was perceived as the eventual dying out of our people—or it was assimilation—to take our languages, our cultures, our traditions and our soul away, and to leave a brown whitenized being in its place.

The destruction of aboriginal families was carried out under the authority of Indian Acts, by Indian agents, through the institution of residential schools up to and including the imposition of the child welfare system with its final solution of foster and adoptive homes outside of our nations. Today either one or more parents do not speak our ancestral language. We look to our grandparents to help us now to ensure that our language, our soul carries on.

In a country which recognizes aboriginal rights, the right to speak the original languages of this country should be a given. Instead, it has been a daily struggle even for this small program to stay alive.

When our children graduate from our program, there is no Ojibway immersion Kindergarten or Grade 1, or any schooling in our language to proceed to. Despite the fact that Native children compose anywhere from 80 percent to 95 percent of several schools within Winnipeg, there are no Ojibway language immersion classes, and only one city school offers Cree and Ojibway to Grade 7 and Grade 8 twice every six days. How can our original languages of this country survive?

The need is not so much of funding to begin; the aboriginal students, the teachers, the classrooms are there already. The curriculum is ready for Ojibway, from Kindergarten to Grade 3. There will be a need for books and material resources, but funds can be found for that.

The basic missing ingredient to begin Ojibway or Cree immersion can be found in one word, and that is "respect" for the original people's and our languages. That respect can come from the recognition of Section 35 of the Constitution that affirms and guarantees the aboriginal and treaty rights of the aboriginal peoples of Canada. Respect must also come from a basic statement in the Constitution of Canada that recognizes aboriginal peoples as a fundamental and original characteristic of Canada, and respect will flow from the explicit recognition of aboriginal peoples as distinct societies. However, that may be worded: with protection for aboriginal languages, cultures, traditions and institutions.

We wholeheartedly support, endorse and commend to you the Assembly of Manitoba Chiefs' stand that aboriginal peoples must participate as equals in constitutional change. If these basic facts of our existence in Canada are not recognized, if the basic longing of our collective soul to see the world through our own eyes, with the collective wisdom of thousands of years of existence in this land, are not recognized, then we can only look to the future of no change or a worsening of the conditions our people live through today.

At Abinochi Zhawayndakozihwin, we are striving to regain the soul of our nation, our language, Anishinahbemowin. The continuation of our ancestral languages is basic to knowing who we are, that we are the descendants of the original peoples of Turtle Island, which you now call North America.

Our children have a right to speak the language of this land of ours.

* (1920)

I just want to add to that my own personal experience. I am a product of the residential school system. Before I was six years old, I was taken from my mother's breast, taken and put into a home, a school that was foreign, where I was denied my language, where I was punished if I spoke my own language, and that is the only language that I knew. When I was small, it was my first language, Ojibway. My mother did not speak a word of English, and when I went to that school, I felt as though something was severed, something was cut off. Something was cut off then, and I became lost. I was dispirited in that school, because I was taught to behave in such a way that was not mine, that was not who I was. I was taught that English was better, that white was better and that I had to become that.

It made quite an impact on my life.

(Ojibway spoken—translation unavailable)

That is what we are presenting here; this is what we are asking. Because of the loss of our culture, because of the loss of our languages, the loss of our traditions, we have become a broken and lost people. A lot of our children's lives are wasted. You see that. You see that in the city, how our children, our young people, their lives are wasted. It is because, back there, something happened to us as a people. Something was taken away from us, and now we want to get that back. We want to regain and recover and reclaim and rebuild our homes, our communities, our nation. We can do that by making sure that our children, when they are small, our grandchildren, have that language.

In most cases, the parents who have children at this school do not know the language, do not have the language, but there are grandmothers there who speak the language and can give that to the children while they are small. That classroom is like a womb. It is only one little classroom, but it is like a womb. In that womb, those grandmothers, those mothers can nurture and nourish those little ones who come there so that they may be nurtured with the language, with that love and that respect we need at this time so that we ensure our children have a good life. That is what we want. We want to rebuild and nourish our children using our own tools, which is our language—that is our right—using our culture, using our customs to nourish them, to heal them, to give them what is rightfully theirs.

When I spoke in Indian, I gave myself as an example. I am a product of the residential school system. I was only there for a short time, but that was enough to scar me up for a long time. It was enough to feel that violation. Emotionally and psychologically, something happened to me. I suffered a great loss. In my teen-age years, in my young adult years, I experienced suicidal tendencies.

It was not until I got older that I sought out the grandmothers to try and bring something back that was missing. I always felt as though there was something missing in my life. For me, that is what it was. It is that spirit, the language, the culture, the traditions. Those are the things that we need to be able to give to our children.

(Ojibway spoken—translation unavailable)

Do you have any more to add to that?

Ms. Morrisseau-Sinclair: What Ms. Manitowabi has shared with you is just one story of many of our people. What we have endeavoured to do is to try and bring about that healing in a centre in a city that is very isolating to many of our people.

I would like to, at this time, give thanks to this task force for awarding us this opportunity to share our thoughts. If you have any questions, we would endeavour to try and answer them.

Mr. Chairman: Thank you, too, both of you.

Ms. Morrisseau-Sinclair: Thank you.

Mr. Chairman: Thank you, again.

Ms. Manitowabi: Thank you.

Mr. Chairman: The Winnipeg Organization of Responsible Disadvantaged, the presentation will be made by Ms. Leona Singer.

Ms. Leona Singer (Winnipeg Organization of Responsibly Disadvantaged): I wish to correct the name. It is the Winnipeg Organization of Responsibly Disadvantaged.

Mr. Chairman: Thank you.

Ms. Singer: You are welcome.

Good evening, ladies and gentlemen of the panel. I thank you for the opportunity to speak to you tonight. My name is Leona Singer, and my companion sitting next to me is May Churches. We are members of the Winnipeg Organization of Responsibly Disadvantaged—WORD.

We would like to add the issue of social rights to the current Constitution Act of 1982. Secondly, we wish to change the body of the mechanics of the Constitution concerning federal and provincial powers. Finally, we wish to make an amendment to the Charter of Rights and Freedoms, Section 15(1), in regard to its reference to mental and physical disabilities.

Although we are not a cultural minority such as the French and the aboriginal peoples, we are included in the lowest class of Canadian society. Like the untouchables in India, we are so economically and socially unattached from the rest of society that we cannot secure an equitable and adequate standard of living. We are tired of suffering this injustice of being relegated to a fourth-class position in society.

* (1930)

In the province of Manitoba, an individual on social assistance is given approximately $252 per month to live on after rent has been paid. This amount must cover all their needs, example, clothing, food, transportation, household supplies, laundry supplies, et cetera. The disabled of Manitoba on social

assistance are approximately $7,000 to $10,000 below existing 1991 poverty line.

The Winnipeg Organization of the Responsibly Disadvantaged consensus is that this injustice must be corrected as quickly as possible and be part of our constitutional rights. We can no longer sit idle without a voice while our people go hungry, ill-clothed and stand the risk of ill health, subject to disease due to an inadequate and malnourished diet. The time has come for the disabled to stand as one and have a voice in Canadian Government.

The Charter of Rights and Freedoms in the constitutional Act of 1982 guarantees each citizen individual rights, their democratic rights and their legal rights. Our group feels that social rights should also be included. Our social needs are adequate food, shelter, clothing and health care. Other needs can be dealt with at another time. Our basic needs must be met first.

Most disabled people are living on social assistance, which does not provide adequate food, clothing and shelter. We would like to see all underemployed and unemployed handicapped people be given a guaranteed, universal income which is maintained by the federal Government. This amount should be maintained at the poverty level.

Our group feels it is our constitutional right to adequate, equitable, universal source of income. Handicapped individuals who obtain a self-supporting job should be allowed to earn up to their guaranteed income level before their guaranteed income is deducted dollar for dollar. Also, employed disabled people should be allowed to keep their health care benefits for 12 consecutive months after finding gainful employment. Then these people will be able to apply for Blue Cross or some private company plan to help cover their health costs.

We would like the federal Government to establish a Minister for the status of the handicapped in Ottawa. This Minister would be responsible for overseeing that the guaranteed, universal income is established and maintained, as well as to listen to disabled communities from across Canada. The Minister for the status of the disabled would have regional offices in every province. This would be similar to the structure of the Minister of Indian Affairs and his regional offices.

Next, we would like to make changes to the body of the Constitution. The Winnipeg Organization of the Responsibly Disadvantaged feels that the divisions of federal and provincial powers should be re-examined. We feel the Constitution should ensure that health care and social programs are protected. The federal Government is currently cutting back transfer payments to the provinces. The passing of Bill C-69 will further cut back established program funds by 2 percent per year. This Bill will further cut federal funding for medicare, higher education and social programs to zero by the year 2004.

The disabled have more health expenses than the average non-disabled person. We feel that the Constitution should ensure health care and social programs be established and maintained universally to all the provinces. All citizens of Canada should have access to adequate health care, including the disabled.

A final issue we wish to touch on is the definition of the disabled in the Charter of Rights and Freedoms. Our group feels that the definition of "disabled" in Section 15(1) of the Charter is too narrow. This section reads as follows: Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, mental or physical disability.

The words "mental" or "physical disability" does not cover invisible disorders such as learning disabilities and epilepsy.

The Winnipeg Organization of the Responsibly Disadvantaged would like this section to read similar to our following example: Every individual is equal before and under the law and has the right to equal protection and equal benefit of the law without discrimination, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age and disability.

In the body of the Charter, the word "disability" should be defined as a physical, mental, psychological dysfunction or any other dysfunction which prevents an individual from obtaining gainful, self-supporting employment and adequate education, and/or inhibits his or her daily activities. That should be an end of quotes there.

When asked, what does being Canadian mean to me, I feel being Canadian means being able to work together toward a society where true equality and freedom exists. I was born in the 1960s, so I never really got to know the ideas of my mentor, Dr. Martin Luther King, Jr. He was assassinated when I was very

young. His dream was that one day people would be judged by who they were as individuals and not by the colour of their skin. My dream one day is that society will allow all disabled individuals to be able to contribute to society to the best of their ability. For some, this will mean using their skills for a meaningful, self-supporting job. For others, who cannot work for some reason, they should be allowed to volunteer the skills they are capable of. In return, society should unconditionally give these individuals a universal, adequate, equitable, maintained source of income so they can live their lives with dignity.

I feel that suggestions put forth tonight by the Winnipeg Organization of Responsibly Disadvantaged are the first step towards this dream. Thank you.

Mr. Chairman: Thank you very much, Ms. Singer. Are there any questions? Thank you again.

I would like to introduce the Members of the task force who are here this evening, ladies and gentlemen, and in some cases it is, in fact, other Members of the Legislature substituting for the regular Members of the task force. Starting at the far end of the table on my right is Mr. Oscar Lathlin, the New Democratic Member of the Legislature for The Pas. Next to him is Mr. Jack Reimer, the Conservative Member of the Legislature for Niakwa. Next to Jack is Mr. Ed Helwer, the Conservative Member of the Legislature for Gimli. On my immediate left is Mr. Kevin Lamoureux, the Liberal Member of the Legislature for the Maples. In the centre on my left is Ms. Jean Friesen, the New Democratic Member of the Legislature for Wolseley. At the end of the table is the Honourable Darren Praznik, the Conservative Member of the Legislature for Lac du Bonnet and the Minister of Labour in the Government of Manitoba. I am Wally Fox-Decent.

* (1940)

C'est un grand plaisir maintenant d'appeler le Conseil jeunesse provincial, Madame Jacqueline Fortier.

(Translation)

I am now pleased to call the Conseil jeunesse provincial, Ms. Jacqueline Fortier.

(English)

We have translation devices, ladies and gentlemen, at the rear of the room if you care to obtain one. I suspect that this presentation will be "en français."

Ms. Jacqueline Fortier (Conseil jeunesse provincial): C'est ça.

(Translation)

That is correct.

Mr. Chairman: Oui, excellent. Bonsoir.

(Translation)

Yes, good. Good evening.

Ms. Fortier: Bonsoir. Bonsoir mesdames et messieurs. Tout d'abord, permettez-moi de vous remercier pour l'occasion que vous nous offrez de présenter nos opinions quant à l'avenir du pays.

Je suis la présidente du Conseil jeunesse provincial qui est un organisme à but non lucratif qui oeuvre auprès des jeunes franco-manitobains et franco-manitobaines âgés de 14 à 25 ans. Les buts du Conseil jeunesse provincial sont de sensibiliser les jeunes à leur identité franco-manitobaine et de promouvoir le regroupement et le développement des jeunes franco-manitobains, franco-manitobaines dans les domaines de la politique, l'éducation, la culture, l'économie, les communications et les sports et loisirs. Dans toutes les activités que nous organisons, nous visons à développer la fierté chez les jeunes.

Si nous nous présentons devant vous ce soir, c'est que nous sommes préoccupés par rapport à l'avenir de notre pays. Le Canada est en pleine crise d'adolescence et il cherche son identité. A travers cette crise, il nous semble important d'énumérer quelques caractéristiques qui nous paraissent essentielles dans la définition de notre identité.

Tout d'abord, nous espérons qu'en redéfinissant la Constitution du Canada, nous aurons la sagesse de bâtir à partir de ce que nous avons déjà. Par ceci, nous entendons un fédéralisme qui reconnaît l'existence de deux grandes communautés linguistiques et culturelles partout au Canada. En tant que jeunes franco-manitobains et franco-manitobaines, nous voulons continuer à pouvoir vivre en français. Pour ce faire il faut que l'on garde la Loi sur les langues officielles ainsi que des garanties que nous retrouvons dans la Charte des droits et libertés.

C'est en s'appuyant sur ces clauses juridiques que nous pouvons mieux définir notre existence et se doter de services qui nous sont essentiels. Parmi ces services, nous voulons maintenir nos droits à l'éducation en français et le contrôle de nos institutions. Nous aimerions pouvoir continuer à jouer, danser, rire et penser en français dans notre vie

quotidienne. Tout ceci, nous voulons pouvoir le faire chez nous au Manitoba. Allez-vous nous garder une place chez nous en redéfinissant la Constitution?

Nous, les jeunes, croyons qu'il est possible de vivre en harmonie avec nos voisins qui ont une autre langue et une autre culture. Nous nous considérons chanceux de pouvoir nous exprimer dans deux langues. Nous aimerions même pouvoir connaître d'autres langues et d'autres cultures. Cependant, dans tout cela, nous devons pouvoir maintenir notre identité en tant que franco-manitobain, franco-manitobaine et franco-canadien, franco-canadienne. Nous osons croire que vous recommanderez le respect de notre identité propre dans vos rapports.

Il ne faudrait pas non plus se surprendre que les francophones vivants à l'extérieur du Québec veulent plus de garanties constitutionnelles pour les protéger et voir à leur développement. Nous n'avons qu'à retourner dans l'histoire des francophones du Manitoba pour comprendre. Tant que nous vivons sans garanties constitutionnelles, nous dépendrons d'une volonté politique toujours changeante.

Nous croyons qu'il est important que toutes les législatures, provincial et fédéral, assument les responsabilités de promouvoir et d'encourager l'épanouissement des deux communautés linguistiques et culturelles au Canada. Il s'agit là d'une richesse que nous devons faire valoir.

Ce sont les jeunes d'aujourd'hui qui subiront les résultats de vos décisions. Ce sont les jeunes d'aujourd'hui qui géreront le système que vous leur façonnerez. Nous ne pouvons qu'espérer que notre pays se définira par le respect de ses peuples fondateurs et par le respect pour qui nous sommes et pour qui nous voulons continuer d'être.

Nous vous remercions pour l'attention que vous avez accordé à nos commentaires et nous vous souhaitons beaucoup de succès. Merci.

(Translation)

Good evening, ladies and gentlemen. First of all, I would like to thank you for the opportunity to present to you our opinions regarding the future of our country.

I am the president of the Conseil jeunesse provincial which is a non-profit organization working with young Franco-Manitobans between the ages of 14 and 25. The goals of the Conseil jeunesse provincial are to make young people more aware of their Franco-Manitoban identity and to promote the organization and development of Franco-Manitoban youth in the areas of politics, education, culture, the economy, communications and sports and leisure. In all the activities we organize, we try to develop a sense of pride in young people.

The reason we are here before you tonight is that we are worried about the future of our country. Canada is in the middle of an adolescent crisis and is seeking its identity. Through this crisis, we feel that it is important to mention a few features that we find essential to the redefining of our identity.

Firstly, we hope that in redefining the Constitution of Canada, we will have the wisdom to build on what we already have. By this, we mean a federalism that acknowledges the existence of the two main linguistic and cultural communities across Canada. As young Franco-Manitobans, we want to continue to be able to live in French. To accomplish this, the Official Languages Act as well as the guarantees found in the Charter of Rights and Freedoms must be preserved.

It is through these legal clauses that we are able to better define our existence and acquire services that are essential to us. Among these services, we want to maintain our rights to French education and the control of our institutions. We would like to be able to continue to play, dance, laugh and think in French in our daily life. We want to be able to do all of this in Manitoba which is our home. Will you save us a place in our home when the Constitution is redefined?

We, the young people, believe that it is possible to live in harmony with our neighbours who have another language and culture. We consider ourselves lucky to be able to express ourselves in two languages. We would even like to be able to know other languages and other cultures. However, in all of this, we have to be able to maintain our identity as Franco-Manitobans and as French Canadians. We dare to believe that in your reports you will recommend that our own identity be respected.

It should no longer be a surprise either that Francophones living outside of Quebec want more constitutional guarantees to protect themselves and their development. We have only to look at the history of Francophones in Manitoba to understand this. Unless we have constitutional guarantees, our situation will always depend on ever-changing political will.

We believe that it is important that all Legislatures, provincial and federal, assume the responsiblity of promoting and encouraging the growth of the two linguistic and cultural communities in Canada. It is a

question here of a resource that ought to be highlighted.

It is the youth of today who will have to live with the results of your decisions. It is the youth of today who will have to manage the system that you have fashioned for them. We can only hope that our country will be defined with the respect for its founding peoples and with the respect for who we are and who we wish to continue to be.

We thank you for the consideration that you have given to our comments and we wish you much success. Thank you.

Mr. Chairman: Merci beaucoup, Mademoiselle Fortier. Des questions? Pas des questions? Merci encore.

(Translation)

Thank you very much, Ms. Fortier. Any questions? No questions? Thanks again.

(English)

Professor Brian Schwartz. Good evening, Mr. Schwartz.

Dr. Bryan Schwartz (Private Citizen): I just want to say to the Honourable Darren that I will be greatly disappointed if you have no questions.

The fact that the rules of this committee give the presenters such a definite knowledge of when to stop makes it rather difficult to know where to start. I can begin on a personal note. I understand my vocation, which is that of an academic, to attempt to search for the truth as far as I can figure it out, to make judgments that are impartial and independent, and to report the results of those reflections forthrightly.

One aspect of the degradation of public life in Canada during the Meech era, which has gone largely uncriticized, I think, is the role played by academics. Certainly, the politicians have taken their share of criticism and rightly so, for their highhandedness, for the lack of responsiveness to the wishes of the people. Sometimes the media has been subjected to criticism for being co-opted by a Government, but I think far too many academics have allowed themselves to become partisans of special interests or of Governments.

Insofar as academics have security of tenure and other special privileges, I think that is warranted only to the extent that we use those to try and discharge the function in which those privileges are created. Indeed it has been said that the tragedy of academic freedom is so few people need it.

Now, I arrive at my conclusions reluctantly, but again, I must report them forthrightly. I think almost all of us continue to believe in the ideal of balanced federalism. I think that is the best system of Government that we could achieve, in which there is the closeness and accessibility of local Government but also the opportunity to participate in the sense of larger enterprise at the national level, in which the parochialism and the factionalism of local Governments can be counterbalanced by a federal Government looking over their shoulders, in which the overreaching, the distance, the oppressiveness, the imperialism of national Governments can be checked by local Governments. I think that would be the ideal.

I would certainly, like almost all Canadians, welcome a Canada in which our community was enlarged and enriched by the active and full participation of the people of Quebec. It does not appear to me that the option of balanced federalism remains open to us. That leaves us, in my view, with only two options. One is a radical decentralization of Canada—mega-Meech call it—in which federalism is brought down to its lowest common denominator, in which Quebec's demands for maintaining a legal technical Canada are satisfied and all those concessions are made to all the other provinces, and the denationalization of Canada is completed, or the separation of Quebec.

The reason that the option of balanced federalism does not appear to exist is that the people of Quebec appear to have psychologically separated already. That is what the polls say; that is what the politicians say. There is no substantial difference between the position of the Allaire report and the position of Mr. Parizeau. One would achieve the denationalization of Canada by maintaining the existing technical legal links and taking the jurisdiction out of the national Government. The other one would outright separate and negotiate a common economic space, but the net result is essentially the same.

* (1950)

Now mega-Meech, I do not think is a desirable option. I do not think it is a stable option in any event. Once you denationalize Canada, once the remaining political links are gone and Canada is just a colour on a map, merely technical linkage, whatever residual emotional attraction there is by Canada for the Quebecois will disappear anyway. The last step out the door will be all the simpler. What will be left for the rest of Canada? A Canada so weakened, so eviscerated that the process of assimilation into the

United States will be irresistible. I think we would actually be better off accepting the best alternative we have, if my assessment is correct. That is accepting the peaceful and amicable separation of the province of Quebec, its ascension into full statehood and nationhood, and attempting to create another nation where there is now one, a nation called Canada, after Quebec departs.

I have not heard all of your submissions; I did catch a few. One of your submitters was a doctor, and he said that, when a patient is dying, you do everything possible to save the patient. That is the way we should see Canada. We should do whatever possible to save Canada. With genuine and great respect for that presenter, I think the analogy is misleading. For starters, we are not talking about the death of the political community. We are talking about the question of whether there will be one state or two. It may in fact be better in the long run to have two states rather than one, two coherent national communities living in amity rather than the embittered community that we have at the present.

Secondly, to paraphrase the New Testament, state exists for the benefit of individuals, and individuals do not exist for the benefit of the state. The loss of any innocent individual is a loss beyond measure, but if a state disappears and a new form of political organization occurs, is that a loss, or is that a gain? It depends on whether the quality of life for the individuals within that community is enhanced or diminished.

Again, my first option would be balanced federalism. I wish we had that option. I do not think we do, but frankly what I am most afraid of is mega-Meech. I think mega-Meech is a very strong possibility. Meech just did not happen by accident. The fact that, despite all the public opposition and all of the intrinsic clause in the Accord, Meech almost went through cannot just be attributed to personalities. Much of some of those personalities, I think, could use a moderate measure of improvement. It happened because of certain structural factors in Canadian politics as well. I think they are quite likely to happen again with mega-Meech. I tried to list some of the factors on page 3 of my submission, page 4.

Once again, we are going to have a federal Government which is committed to maintaining the technical state at all cost, to keeping Quebec nominally in—whatever price has to be paid in terms of denationalizing Canada. That is an imperative of the current Prime Minister and the current Government politically and personally. The Prime Minister will have a very strong sense of personal vindication. There would be nothing he would more like to do than to rewrite the whole Constitution and tell us we had to pay a much bigger price than Meech Lake—see I told you; I was right all along. The federal caucus and Cabinet includes a very large number of Quebec separatists. We are going to have separatists in Quebec negotiating with separatists in Ottawa.

I do not expect much more from the federal Liberals. When push comes to shove, and push will come to shove, Mr. Chretien will be just as eager to keep his home province within Confederation, as will Mr. Mulroney. Neither of them wishes to be forcibly expatriated.

Now, Mr. Chretien acquired the leadership of the federal Liberal Party by publicly espousing opposition to Meech Lake and, as is well known by now, behind the scenes was putting very heavy pressure on holdouts against Meech to succumb and to sign. The track record of the federal NDP during the last round, during the Ed Broadbent period was no better.

We can expect once again provincial Governments to take the high road of rhetoric and the low road, in terms of balanced federalism, simultaneously that we are going to do Canada a favour, we will keep it together.

Gosh, golly, I guess I have to get a whole lot more powers for myself and for my province. Oh well, that is the price you have to pay for keeping Canada together.

The fact that provincial Leaders will speak first and foremost for provincial interests is not going to change. As has been pointed out by other observers of the political scene, such as Alan Cairns at the University of British Columbia: There is no structure whereby Canadians outside of Quebec can formally express themselves. The federal Government does not speak for Canadians outside of Quebec. Provincial Governments speak for provincial interests.

Where is the means whereby Canadians outside of the province of Quebec can express themselves? There is not one. I rather doubt there is going to be one.

Where the irony is, is that the federal Government is going to trade on its own unpopularity, having succeeded in making the federal Government about as unpopular as possible, the federal Government will

say, well, look how gracious we are. We are going to give away our own powers.

The fact that there is still such a strong sense of Canadian nationhood, despite the track record of past federal Governments, means there must be something very profound there, but it still is going to be possible that some people will blur their discontent with the current system and the current Government with a sense of whether federal Governments can work, whether we really do want a national Government.

There are always two choices if the federal Government does not work, dismantle or make it work better. Some people are in favour of Senate reform frankly because they want to hobble the federal Government.

In all these things I would rather make the federal Government work better. I am in favour of Triple-E Senate reform, of a moderate character to legitimate the national Government to make it work better and make it work more effectively.

Do you expect the mega-Meech pediars are going to tell us that we need Quebec as an ally against Ontario? You know, we will change the topic, and gee, will it not be terrible, if Quebec leaves Toronto will be running everything. Well, the fact of the matter is that if Quebec leaves not only will Ontario be a larger part of the population so will the West. The mathematics seem to be objectively verifiable.

It is also I think the case that the people of Ontario are somewhat different in their political conscientiousness from the people of Quebec; that Ontarians, whatever their political sense, consider themselves Canadians first. I do expect that Ontario would continue to want to share with the rest of Canada by way of equalization and would consent to the necessary reforms in terms of the Senate reform necessary to hold together a post-separation Quebec.

Another factor is that almost nobody outside of Quebec is prepared to take open responsibility for saying that separation is a real possibility and maybe it is better than mega-Meech. That is one of the ways Mulroney almost got Meech through, came within an angstrom unit of doing so.

He put tremendous pressure on the holdup by telling him you will be personally responsible for the breakup of your nation unless you buckle. It is a terrible pressure to put on anybody, but we have askewed discourse in Canada, and in Quebec it is possible to openly, honestly espouse separation. In the rest of Canada apparently it is not even possible to talk about the relative merits of separation versus mega-Meech, let alone openly affirm that maybe separation would be better, that maybe it is better to have two healthy nations than one sick one.

I saw Bob Rae in the newspaper saying, yes, we are going to have public hearings, but I am not prepared to hear the possibility that it is time for Quebec to separate. Why have public hearings if you a priori rule out what in fact may be the view of most people in your province, in fact may be the best political judgment that is possible at the time?

Some more razzle-dazzle you can expect. We have to eliminate wasteful overlap and duplication. I say on the contrary, that duplication, that this overlap means you have this checking and balancing taking place between Governments. I also say that you can save a lot of money by having one national Government run certain programs, rather than have 10 different programs, 10 different manuals, 10 different sets of bureaucracies.

Mulroney was likely to tell us that we need a Constitution for the 21st Century, you know, the status quo must be bad, it has been around too long, I am going to bring you something new and better and improved. Who is against new? The fact of the matter is we have formally amended the Constitution very often, and moreover our Constitution does not consist only of formal amendments. Let us take about anything that is important, like the way the Legislature is set up, the way the administrative tribunals are organized, the court system, the national social programs, The Freedom of Information Act, they all exist by ordinary legislation, not by formal amendment.

* (2000)

We will get something about the economic union, that is the trade off. We will rip apart Canada, but you will have the economic union—free movement of avocados across provincial boundaries. We are not going to hear anything about the social welfare aspect of the economic union.

I believe very strongly in the economic union, but I also believe that part of that is national social programs, so we will not have a situation where provinces are trying to undercut each other by having the lowest taxes, by the lowest level of Social Services. I believe in the economic union where people, because there is a commonality of programs,

can go from province to province. I believe in social programs because it builds a sense of national identity, so people when they decide where they are going to move and where they are going to expand think about doing it inside of these borders, inside Canada and not just taking their business across the border.

You can watch out for some fancy footwork on the Senate. Maybe if Mulroney will agree to the Triple-E Senate, you know how many regions there are going to be? It will not be equal provinces, it will not be five regions, it will four equal regions. Western Canada will get one-quarter of the Senate seats at most; it should actually be less on a rep-by-pop basis in the Province of Quebec. That is a joke.

The purpose of Senate reform, if there is one, is first and foremost to rebalance political power within Canada, so you have to be very careful about the equal part of the Triple-E and not to declare victory just because there seems to be another institution put in place which really does not do any effective good.

I do not think we should take one step in the direction of the Allaire report. I know it sounds diplomatic and reasonable, and we all try to be reasonable and say, yes, everything is negotiable. What is wrong with renewal and what is wrong with having a hard look at that, maybe it is time for a change. Let us face it, it gives seven out of the 22 demands, that is not the end of the line anyway. I mean you may have already, by granting one-third of these denationalists demands already rendered Canada its final lethal blow. Well, it is not going to be the end of the line anyway.

One of the Allaire demands is a free standing right of any province to separate. We have to make a decision at this level of basic principle. Are we talking about building a balanced federation, or are we talking about the denationalization of Canada.

The Constitution is not the problem as far as the Quebecois goes. The problem—it is not really a problem—I mean if someone senses it is opportunity, you cannot criticize people for having a different sense of political consciousness. The phenomenon is that most of them have a different sense of national belonging. If that is the case, then I think we should make the best of it and the most of it.

As I say, what I am most concerned about is that there is a different sense of national belonging. The sense of Canadian nationalism, the sense of Canadian unity, and that will be once again betrayed, abandoned, even though it is what most Canadians believe in, but it will not be what most politicians will openly attempt to vindicate. So I say, Allaire is something we should regard as a non-starter, and we should openly take responsibility for making the hard choices.

To conclude, I have attempted, Mr. Chairman, to address all the specific issues that Mr. Filmon removed to your task force in the rest of my submission, and I look forward to any questions, at least from Darren.

Thank you very much.

Mr. Chairman: You still have five more minutes, if you want to use it.

Mr. Schwartz: No. I am quite prepared to take questions at this point.

Mr. Chairman: Mr. Praznik, you cannot fail to respond to the challenge.

Mr. Praznik: I just wanted to say to Professor Schwartz that regrettably this is not the forum to get into the kind of exchanges that we used to in a contracts class some time ago.

You have put me to the challenge of asking you a question, and the question I have is a simple one. I take it, for someone who has been part of the process from the inside, having been an adviser to the former Premier of Manitoba and participated in the discussions over Meech Lake both inside and outside the inner circle, so to speak, you have come to the conclusion that there really is no middle ground in this, I gather?

Mr. Schwartz: I have come to the conclusion that splitting the difference between separation and the viability of ongoing Canadian federalism is not possible. We are not talking about a process of ending up with a Canada which is rebalanced but in which there is still a viable national community and viable provincial communities. We are being put in a situation as, how much do you want to denationalize this time? There will be a few trickles and bobbles, economic union or whatever, but once you start with the process of Allaire and so on, anything that satisfies Quebec, even on an interim basis, must in substance, however it is packaged, be substantially denationalized. So I question how much this time.

No, I do not see the possibility of producing a package which in substance satisfies the nationalist aspirations of the majority of the people of Quebec and which permits the majority of the people outside

of Quebec to believe that their sense of Canadian nationhood has still been preserved and maintained.

Ms. Friesen: I have not been able to read all the way through this as you were speaking, but I take it that one of your main pieces of advice to us is that we look for strong federal institutions, with or without Quebec, and that Senate reform should not be the first order of priority for the task force—you seem to say that on page 6—as a top priority for Manitobans.

Mr. Schwartz: Yes. What I mean by that precisely is that—well, I am in favour of Senate reform. I see that as an instrument to building the national community. There are others who I think frankly see Senate reform as a way of impairing a nasty national Government. To me, Senate reform is instrumental to a larger purpose.

Ms. Friesen: But not the first priority for Manitobans at this stage, you say?

Mr. Schwartz: I think the first priority for Manitobans at this stage, at least the Manitoba Government, is, I hope, to reflect where I believe most Manitobans are emotionally and intellectually, which is believing in a strong national Government, strong institutions, strong national social welfare programs, with or without Quebec. I am frankly very pessimistic that is how this process is going to work out, but that is how I see it and I believe most Manitobans see it. I hope there will be a referendum to verify that one way or the other before any decisions are made.

Ms. Friesen: Which stage do you see that referendum coming to Manitoba? At which stage would it be most useful, I should say?

Mr. Schwartz: Well, I said in my factum, and it is not just bravado, that I think the Government of Manitoba should be prepared to say no to Allaire right here and now and hold a referendum if necessary to bolster its position in that respect. I do not think we should get drawn into what Clyde Wells called the vortex again. You get involved, and then it is just a question of how much do you give this time, and how do you get out of the room? Once you are in the room, how do you get out of the room without being a deal breaker, without being negative?

I think the time has come to just say, no, and if that has to be substantiated by a referendum, I do not see anything wrong with the people of Manitoba establishing their sense of nationhood just as clearly and specifically as the people of Quebec have done through Belanger-Campeau and are promising to do through another referendum.

Ms. Friesen: The Allaire report of course is addressed to the Belanger-Campeau, well, first of all to the Liberal Party and then to Belanger-Campeau, so I assume you are saying the results of that.

Mr. Schwartz: That is correct. Now one of the ploys I think we may very well see is Mr. Bourassa saying, well, I am a moderate compared to Allaire. Look, I took out two or three of these things. The federal Government can still do agriculture. The federal Government can still do environment actually. Big deal. The federal Government already has primary authority over the environment.

I do not think we should get into a process where we are talking about Mr. Bourassa as a born-again federalist, because he dilutes Allaire which is in effect "souveraintiste," so to me Allaire, Belanger-Campeau, they will be in essence, no matter how it is packaged, cut out of the same cloth, and they will be inconsistent with the sense of maintaining a viable national community outside of Quebec.

Ms. Friesen: Much of your paper I think is based on the assumption that the federal Government has not been working for western Canadians or perhaps for other regions for a long time. How long?

Mr. Schwartz: Well, I do not think I used that language in my submission.

Ms. Friesen: No, you did not. I am taking an assumption out of it. You assume that the federal Government does not work and must be changed. How long has it not been working in your view?

Mr. Schwartz: I think almost since its inception it has been biased in favour of the more populous regions of Canada and that is not, I think, a result of any conspiracy theory or because people in central Canada are nasty and mean. I think it is simply a result of a certain political structure. You have more votes, you tend to have more political influence.

So you can go back a very long way in Canadian history from tariff policies to the fact that it took till 1930 for the western provinces to get control of their natural resources. You have had a series of policies which have not been as fair to western Canada as they should have been. Nonetheless, I think western Canada has benefitted very much from belonging to Canada. I remain, and I think despite the stereotypes about Alberta, B.C. and so on, I think that if you actually tested it out, and it should be tested out by a referendum, the overwhelmingly strong sentiment right across western Canada is a very strong sense of affiliation to Canada. Whatever grievances have

been acquired, what they want first and foremost is to maintain that affiliation.

Ms. Friesen: Surely what you are talking about though is the national policy under whatever guise it has been in the 19th or 20th Century. You are talking about the policies of certain political Parties rather than the institutions of the federal Government or of the written Constitution of the last few years. What I am trying to get at is how long have those institutions not been working? Is it a long time, since 1867? Is it the last five years? Should we be restructuring on the basis of a relatively short period of disadvantageous—

Mr. Schwartz: No, I think this disadvantage has been occurring for a very long time and is not, as I say, the result of any particular personalities, any particular Party. I think it is a result of a problem that all federations have faced, which is if you have rep by pop in terms of setting up your Parliament, the less populous regions of Canada are quite likely to not be well treated simply because they will not have the political clout, so you can take any point in history.

* (2010)

The national energy policy, I thought we should have taxed energy a lot. How come natural gas and oil was taxed so much and not hydro-electricity? You can keep going back through history. It happens again and again, and I do not think it is because of bad faith or meanness. I think it is a problem that has to be addressed through appropriate structural reforms. One possibility is Senate reform. Another possibility is entrenching some sort of principle of equality, but I have to caution very strongly. You have to look at who is going to enforce that. You entrench the regional equality principle, and it is adjudicated by a Meech-style Supreme Court of Canada, we lose.

A Meech Supreme Court of Canada would have three of its judges from Quebec. The Government of Quebec would have effective control over those nominations. Anytime there was a hard case, like is it okay to give lots of money to Quebec for their immigration policy, the three judges from Quebec would quite naturally, honestly, but I think mistakenly, say, yes. The distinct society warrants giving extra money and clout to Quebec, and that is not a violation of equality.

I think a committee of a Triple-E Senate might be the effective watchdog for an equality principle.

Ms. Friesen: One other alternative is proportional representation in the House of Commons. Have you considered that, and why are you suggesting a Triple-E Senate is more effective?

Mr. Schwartz: I am open to other possibilities. Again, the question is how you get there, not what the instrumentality is, and if it was possible to revamp the House of Commons so it did this task, that would be okay. Quite frankly, I think we have to acknowledge that Quebec will never agree to either. I mean, we can propose these things all we want—

Ms. Friesen: Or perhaps Ontario.

Mr. Schwartz: Well, there is a difference again, because I think of the different level of psychological commitment to the Canadian community. If you look at what happened in June 1990 what happened on Senate reform? Quebec did not budge an inch. On the other hand, the Premier of Ontario was so eager, in fact unduly eager, to do something he thought was holding the country together that he gave away, I think it was, eight of his Senate seats and left Ontario with fewer Senate seats than Quebec, which is a completely ridiculous situation. It was a terrible act of autocracy for him to do that without consultation, but I think that says something. I actually expect, and there are those who disagree with me on this, that Ontario would be quite generous to the rest of Canada in a Canada post-Quebec.

Ms. Friesen: That was another point I wanted to pursue, because you do say, I think it is on page 3, that Ontario would agree to continue to share its wealth with the rest of post-Quebec Canada and would agree to a real Senate reform. I wondered what your evidence for that was? This is sort of the, Peterson is the big guy. Is that the only evidence you have? Are there others?

Mr. Schwartz: Well, the fact of the matter is that Ontario has been making equalization payments ever since the system started. Now, it is true they also got disproportionate benefits from Canada, but Ontario has never questioned its responsibility to share its wealth with the rest of Canada. I know some people will think this is insufficiently cynical, but I take that at its face value. I think Ontario has always seen itself as having a role in nation building, and Ontarians are maybe the one province besides Manitoba where people do not even think in terms of provincial identity. They think of themselves just as Canadians, and I respect that the actual practice of fiscal arrangements has showed a constant willingness of Ontario to shell out money to the other provinces, Quebec as well as

the rest of Canada. I believe that is a matter of historical fact.

In terms of openness to Senate reform, Ontario always agreed to have equal representation with the less populous Quebec. That is another fact of the matter. Ontario very recently indicated a willingness to carry out what I thought was a preposterous act of institutional self-abasement.

So I think that to some extent you could extrapolate from the past. We certainly have never had an Ontario separatist movement. Why are we hobbled with this expensive hinterland, and an Ontario which always tries to hold the country together? Frankly, I think that would continue.

Ms. Friesen: One argument is that the economic relationship of Ontario to the rest of the country is very slight, that a large portion of its exports are going to the United States and to Quebec, a very small proportion to the West, and that under a new configuration the economic link to the West would be very minimal in spite of the—at Meech they were prepared to give six Senate seats that were perhaps not in their jurisdiction to give. There is not any economic basis to their relationship to the rest of Canada at the moment.

Mr. Schwartz: I heard another bell, so I guess I should answer that very quickly.

Mr. Chairman: Please.

Mr. Schwartz: Canada has never been a matter first and foremost of economic linkage and it will not be in the future. It is first and foremost a state of the heart and mind, and the reason Ontario will stay and want to participate will be reasons of wanting to share social programs, it wants common citizenship, it wants to share the Supreme Court. Yes, most of its economic dealings will be with the United States, will be with Quebec, but I think its heart and mind will continue to be with Canada.

Mr. Chairman: Thank you very much, Professor Schwartz. I am sorry that time is the enemy. It was the same when you came to us in the Meech Lake context. I have had a chance just to rush through your document, and it will obviously bear reading with interest, as indeed all our presentations will. I appreciate the fact that you addressed each of the sections of the missive from Filmon to myself and indicated what you think our appropriate action should be. It is a very helpful way, I think, of having gone about your preparation.

Mr. Schwartz: Thank you again very much for the opportunity to be here.

Mr. Chairman: Thank you.

The Canadian Alliance in Solidarity with the Native Peoples, Ms. Mary Green. Good evening, Ms. Green. We have your written submission. Thank you. Proceed when you are ready.

Ms. Mary Green (Canadian Alliance in Solidarity with the Native Peoples): Mr. Chairman and Members of the task force, good evening. We are here representing the Winnipeg group of the Canadian Alliance in Solidarity with the Native Peoples, usually referred to as CASNP. Thank you for the opportunity to appear before you with our concerns.

There is a correction on page 1 at the very bottom. It should read the Assembly of Manitoba Chiefs.

CASNP, a national organization, is a partnership of aboriginal and non-aboriginal people who work together on issues and toward improving relationships between the two groups. There are 220 members in Manitoba. CASNP provides an additional forum for the expression of aboriginal views and perspectives and provides opportunities for aboriginal and other people to work together in solidarity. This presentation therefore reflects the position of a group which includes both aboriginal and non-aboriginal people.

First, we would like to put on the record that we strongly endorse the six basic principles for constitutional justice for First Nations as advocated in the brief presented to this task force by the Assembly of Manitoba Chiefs. A copy is attached.

* (2020)

Recognition of aboriginal people as the original inhabitants of Canada: The first point we would like to make is that recognition of aboriginal people as the original people of this land must precede any other constitutional change. It is dishonest to declare that Canada had only two founding nations, the English and the French. Aboriginal people were living right here in Manitoba more than 10,000 years ago.

At the time of European contact, they were healthy people, untouched by smallpox, venereal disease or alcoholism. There was little mental illness, and they did not segregate the mentally ill. Suicide was rare. They did not have prisons but had other and more effective methods of social control. They would not have understood the concept of a Children's Aid

Society, because their strong extended family system ensured that children were always taken care of.

There was no unemployment and there were no extremes of rich and poor because of the principle of sharing with the community. A man was respected because he had more to share, not because he had more to keep for himself as in the dominant society today.

These people also had a belief in the harmony of all living things and a love and respect for mother earth. They were friendly towards the newcomers, often helping them to survive in their new environment, and they were willing to share the use of the land.

These were the original people here, not the French and English, and reason and justice demanded their place in our history be recognized in the Constitution.

Number 2, protection of aboriginal languages and culture: We understand the fears of the Quebecois that their language and culture may be weakened and endangered unless they are specifically protected in the Constitution. However, aboriginal languages and culture have been endangered immeasurably more. For example, of 53 aboriginal languages all but four are in danger of dying out or have already done so.

Incredible swiftness of the destruction of so many Native languages and of aboriginal cultures is directly due to the fact that the European invaders, after stealing aboriginal lands, kidnapped their children and kept them in effect imprisoned in Christian boarding schools where they were severely punished and frequently beaten for using their own languages or practising their religion and customs. This policy was genocidal.

The United Nations Convention on the Prevention and Punishment of the Crime of Genocide includes in its definition of genocide: forcibly transferring children of one group to another group. This genocidal policy then was responsible for the wholesale destruction of aboriginal languages and cultures in an incredibly short time. It was not the kind of gradual erosion that the Quebecois worry about. It was a deliberate and violent attempt to wipe out aboriginal language, religion and culture.

Canada cannot undo the extent of the damage done to those children, but it can and must provide protection and support for aboriginal languages and culture now. This can be done in may ways, for example, by supporting and promoting Native language and cultural organizations, Native language media, the teaching of Native languages and the provision of immersion teaching in Native languages.

In our view, this is far more urgent than the protection of French language and culture, although as stated, we understand only too well the concerns of the Quebecois in this area.

Protection and promotion of aboriginal language and culture should be included in both the Constitution of Canada and The Manitoba Act.

Constitutional participation: Aboriginal people have customarily been badly treated in constitutional matters as happened in 1982. When the Meech Lake Accord was cobbled together they were completely ignored. They asked to be included and were refused.

For justice to be done, we must ensure that this never happens again. We cannot think of any possible changes to the Constitution which would not impact in some way on aboriginal people. Therefore, they should participate as equals at all stages and levels of any constitutional processes. Following the constitutional change in 1982, three mandatory constitutional conferences involving people were held and resulted in much frustration on the part of aboriginal people.

Federal and provincial Governments lacked political will to carry on a meaningful dialogue and, to put it bluntly, they were afraid of giving anything up due to greed. Neither was there significant political will among Canadians in general to deal with aboriginal issues. There now appears to be more expressed support for the aspirations of First Nations. It is our hope that the Government, if it still resists leading the way, will follow the emerging political will of the people in this matter. Otherwise the First Nations may again be left out.

Self-government: Certainly aboriginal people had self-government at the time of European contact. The treaties were made with sovereign nations who at no time explicitly gave up the right to govern themselves. Because of the course that history took, resulting in their inability to exercise that right, it is now necessary to reaffirm the sovereignty of First Nations.

Because of the way history has been taught in Canadian schools and because the subject of Canada's relations with aboriginal people is a very uncomfortable one for the dominant society, they are reluctant to cope with the concept of First Nations sovereignty.

Let us look for a moment at what goes on in other parts of the world. Since the Second World War,

colonialist nations have let go of their colonies in record numbers. The sovereignty of those oppressed nations has been recognized and Canada has smiled upon the process. Yet Canada still tries to keep a tight grip on First Nations. Canadian Government and people have been enthusiastic in supporting the anti-apartheid movement which seeks justice in South Africa and yet have difficulty acknowledging the gross injustices done to First Nations. Canada is now involved in a war in the Persian Gulf, ostensibly to liberate the people of Kuwait. At the same time it does not truly recognize the need to liberate First Nations whom it controls through the Department of Indian Affairs and the Indian Act.

Perhaps the failure of perception in Canada and in other countries when they look at Canada is because First Nations are so scattered. In Manitoba we have Ojibway, Cree, Dakota and Dene who live on more than 50 separate reserves. Regardless of how scattered they may be, the reality is that the identity of First Nations has survived, and their sovereignty has never been extinguished. It is past the time this should be recognized in Canada's Constitution and the Manitoba Act so that appropriate principles of self-government can be worked out between the Governments and First Nations.

Treaty Rights and Land Claims: Treaty rights have been frequently dishonoured by both federal and provincial Governments. It is urgent that an appropriate independent body be created in consultation with First Nations to examine the history of treaty rights and work out how best to implement them in a spirit of good will and justice.

It is also urgent that a similar body be set up to deal with comprehensive land claims, or possibly one body could fill both roles. More resources must be invested to put a stop to the kind of delays experienced by bands with land claims.

One of the most extreme and tragic cases is that of the Lubicon Cree who were promised a reserve more than 50 years ago but have still not received it. Until about 12 years ago they were still living their traditional lifestyle, making a good living hunting and trapping. Only 10 percent were on welfare, which is very low for an aboriginal community.

The province of Alberta then began selling leases for gas and oil exploration on their traditional lands. The development damaged the environment, drove wildlife from the area and destroyed the Lubicon economy and way of life. They spent years in court fighting this to no avail. Within a few years, 90 percent were on welfare. Their water supply was contaminated. They had many health problems, including an epidemic of tuberculosis, and there was social breakdown of the community.

More recently, the Government of Alberta has issued permits for logging on Lubicon land. The federal Government claimed the Lubicon claim for compensation was greedy when, in fact, they wanted a sufficient amount to establish an alternate economy in order to get off welfare.

In conclusion, non-aboriginal members of CASNP have asked us to express their deep sense of shame that injustice and oppression of aboriginal people underlies so much of Canada's past and present history. We urge members of this task force to do their utmost to understand the true history of First Nations in this country, to appreciate what has happened to aboriginal people as a direct result of the European takeover and to accept the compelling reasons aboriginal issues must be the top priority. They must be resolved before any other constitutional matters are dealt with.

We urge you to make this point very strongly in your report to the provincial Government and to advise them in turn to urge the federal Government to accept aboriginal issues as the top priority.

Finally, we would like to draw your attention to some of the values that have run strongly through aboriginal cultures: respect for each other, for the earth and all living things, sharing, considering the effects of their decisions on generations far into the future, patience, consensus and respectful listening. We believe these are values that can be helpful to us all in the struggle to work out a just constitution. Thank you.

* (2030)

Mr. Chairman: Thank you, Ms. Green. Are there any questions? Thank you again. Mr. George Silvinsky.

Mr. George Silvinsky (Private Citizen): Good evening. It is better for me if I can stand.

Mr. Chairman: That is not a problem, sir. If you could just lift that mike up toward your mouth.

Mr. Silvinsky: First of all, Mr. Fox-Decent, I would like to say that I appreciate the work of your previous commission, and I am glad to see this one in operation. I do not have a written submission. My point are fairly basic. I do not think I will take 20 minutes. Generally, I will talk about amending

formula, the position of the Maritimes in case of secession, land claims and the Senate.

Firstly, I would like to say that I would like Quebec to stay in Canada. I appreciate Quebec and the French. Now regarding amending formula, I do not think we generally like the unanimity provision. The idea occurs of a 75 percent formula. I believe Quebec has between 25 percent and 30 percent of the population. Ontario may be 35 and I would be interested in seeing a 75 percent formula considered.

It would be by way of accommodation for Quebec. It would give them an effective veto. In that case I would not want the Manitoba Government to cry, so to speak, and start to say, well, if Quebec gets a veto, we want the veto. I would not want the other provinces to take that approach. There might be various good pro and con arguments on a 75 percent idea, but I think one of the arguments against should not be resentment type of thing.

In case we get to the point where Quebec decides they want to secede and we decide that we would be willing to accommodate them, the position of the Maritimes—it would be untenable for the two parts of Canada to be separated like that. It could not last. Now, I think if we recognize that Quebec has something to say about its fate, well, everyone else in Canada has a right to be concerned about the fate of Canada as a whole, so we can take a negotiating position.

I have a rather strong idea here, but it involves a land bridge to the Maritimes and I am very serious about this. I think we would have to negotiate something like that to ensure the survival of the rest of Canada, and my idea would be all the land south of the St. Lawrence River. I think that is absolutely necessary.

I will go on to Indian land claims. The treaties that are 100 years, 200 years old which involve large percentages of our territories which were signed when the country was entirely different, the dilemma of that, to me, simply and logically would involve declaring them outdated and void and just coming to some new agreements for present needs.

I will go on to the Senate. I am not in favour of a Triple-E Senate at all. I do not agree with any of the three E's. Basically I have no great complaint about the present Senate largely. I think the original idea of having a House of sober second thought is basically a good one. The only thing I would like to see, myself, is to limit their powers more. I do not like to see them veto Government legislation.

I think that pretty well covers my points.

Mr. Chairman: Thank you very much, Mr. Silvinsky. Are there any questions? Thank you again.

We are going to take a break, ladies and gentlemen. We should be back shortly. When we come back, our first presenter will be The Little Black River First Nations. Is Chief Abraham here? Then it will not be the Little Black River First Nations. It will be John and Janet Bailey. Are they here? Then it will not be John and Janet Bailey. It will be Don Flatt, and I know he is here. So you will be the first presenter after the break, sir.

* * *

The hearing took recess at 8:37 p.m.

After Recess.

The hearing resumed at 8:58 p.m.

Mr. Chairman: Ladies and gentlemen, continuing our evening session after the break, Mr. Don Flatt is at the table and ready to present.

Mr. Don Flatt (Private Citizen): Thank you, Mr. Chairman, and distinguished commissioners. My name is Don Flatt, by the way, and not Flatt as it is spelled on the agenda. I do not often get dressed up and go downtown. My former wife, Vaughan, once went out to a dance with a boy who had to be home by eight o'clock because his father needed the suit. Well, it is Monday night and it is my turn for the suit, and in that spirit I present myself before you.

There are three areas of concern that I would like to touch upon tonight. The first area of concern is the notwithstanding clause in Section 33 of the Charter of Rights. Secondly, I have concern with the conventions that govern our manner of selecting and removing a Prime Minister and thirdly, if time permits, I have a few comments on the proper role if any of the Senate in Canadian Government.

* (2100)

On the first point, that is the notwithstanding clause in Section 33 of the Charter of Rights, it is trite to say that a written Constitution, as understood by the framers in the 18th Century, was meant to be a fundamental law protecting and guaranteeing the rights of the individual against the overwhelming power of the state. We hold these truths to be self-evident and so on.

In Canada, we have achieved a level of freedom and personal liberty for the majority of our citizens perhaps unequaled in the world, but over the past 125 years, our treatment of minority groups has been nothing to brag about.

In Manitoba for example in or about 1890, the Manitoba Government, on a wave of Orangemen sentiment, abolished public funding for the Roman Catholic school system, a funding which had been guaranteed in The Manitoba Act. Just as the use of French and English in the courts and in the Legislature was guaranteed in The Manitoba Act.

Someday, someone is going to launch a class action and collect arrears of over 100 years of public funding for the Roman Catholic school system. It will put the province into bankruptcy. I give you that just as one example of our treatment of a minority group.

As a second example, I refer to the Mennonite communities who were so badly treated during the First World War that several thousand of these Manitobans actually fled as political refugees to Mexico and Paraguay.

John Dafoe, at the time, was writing editorials in the Free Press against the use of German in public schools. This had been allowed by the Hildebrandt memorandum when these people came here in the first place. There was talk of subscription which was never to have been used against Mennonite peoples.

So thousands of people in this peaceable community actually got up and left and we do not make a big point of this in our histories of Manitoba. They left at tremendous cost to Manitoba. Imagine having another couple of towns like Steinbach, Winkler, Altona, and Morden in Manitoba.

In other provinces, you had Duplessis' war against the Jehovah's Witnesses, you had in B.C. a head tax on Chinese immigrants. Our record of human rights in this country is not such that we should not be very concerned about an escape clause in a Charter of Rights that purports to protect them.

Section 33 says as follows—I just refresh your memories on this—Parliament or the Legislature of a province may expressly declare in an Act of Parliament or of the Legislature, as the case may be, that the Act or a provision thereof shall operate notwithstanding a provision included in Section 2 or Sections 7 to 15 of this Charter, i.e., they can opt out and if they do, by Section 4, Parliament or the Legislature of a province may re-enact a declaration made under Subsection 1, and so on. It would have to be renewed every five years in effect.

Quebec's Bill 101, in effect limiting the use of English in the workplace and in commercial advertising, was clearly a violation of the Charter of Rights, the freedom of expression, and the Supreme Court of Canada said so, striking down the law as offensive and contrary to the Charter. Premier Bourassa reintroduced the Bill prefaced by the notwithstanding clause, and it now remains the law of Quebec. Our concern is not with the merits or otherwise of Quebec Bill 101. On esthetic and cultural grounds, it may well have a lot of merit. If Quebec wants to turn itself into a kind of theme park, a little island of Francophonie on the edge of Anglophone North America, it must have contemplated the cost of doing so.

Our concern is when and where this collectivity impinges upon the right of the individual. When a man cannot put up a sign saying "bakery" instead of "boulangerie" he is diminished, in my view, and a society that diminishes that man is also diminished, just as we in Manitoba were diminished when all of those Mennonites left to settle in Mexico and Uruguay.

My submission is simply this: Given the political climate in this country and in Quebec, you must leave the notwithstanding clause as it is. I do not think, given the current demands for provincial sovereignty, it could be removed. There was even a suggestion that Manitoba Bill 3 would be reintroduced under the notwithstanding clause if it were struck down.

However, if a provincial law is struck down by the Supreme Court as offending the Charter or on reference would be struck down if it were passed in its present form, then the federal Government, and this is the key point that I want to make, should invoke its long-standing and well-entrenched power to disallow the provincial statute. The power of disallowance is set out in Section 90 of the BNA Act. It was used many times during the first years of Confederation. It was used most recently against a variety of schemes put forward by the Social Credit Government of Alberta during the 1930s. It has not been used since 1943, and it has not been used because of the obvious confrontation that it would provoke between provincial and federal authorities.

In any situation where a collectivity is trampling on the rights of the individual, we have no other avenue of recourse in this country. We must look to Canada,

to the federal authority, to protect the rights of the individual in those circumstances where the majority would use its collective powers to oppress it. For example, there are 900,000 Anglophones in the province of Quebec, whose rights, as far as we know, are not being defended by anyone. They have no one to vote for in fact.

In the present situation, where the Government of Canada allows the Quebec legislation to stand and there was no suggestion even that it be disallowed, the federal Government has abdicated its sovereign power in favour of Quebec. Once that precedent has been set, it is extremely difficult to imagine how to proceed from there. We do not need to worry about Quebec achieving somehow sovereignty. Quebec achieves sovereignty by the abdication of the federal Government in circumstances such as this.

This brings me to my second point, which concerns the selection and removal of the Prime Minister of Canada. I watched with dismay a few years ago when John Turner, having emerged from the Liberal Party convention somewhere in Ontario, was said to be the Prime Minister of Canada by virtue of that election. The man did not hold a seat in the Parliament of Canada. He was not a Member of the Senate. It struck me as being fundamentally impossible for this man to be the Prime Minister, yet he proceeded to fill a shopping list which had been provided to him by Pierre Trudeau of appointments as Ambassador to Portugal and this and that and the other thing. He went on acting like a Prime Minister until he was defeated, quite rightly, at the next general election. This cannot be constitutional, for a group of several thousand yahoos to elect someone in a leadership convention to actually become the Prime Minister of Canada. That cannot be part of our Constitution. Whatever convention is obtained, there must be subject to some kind of ratification by the people of Canada.

I would submit that the only way we are ever going to get a grip on that sort of situation is to have something like the primaries that they have in the United States, which give the ordinary population the opportunity to examine at close range the people who would set themselves up to govern. I think we have a great deal to learn from the American experience, certainly compared to having the Prime Minister, with all the powers that our parliamentary system gives him, elected by several thousand people on a wave of drunken hysteria. It is just unacceptable to me.

On the other hand, we have no effective way of removing a Prime Minister once he is in office and has totally lost the confidence of the Canadian people. Last summer, it was recorded that Brian Mulroney had the approval of some 15 percent of the Canadian population, and this was at a critical time, with the country in constitutional crisis. Professor Brian Schwartz earlier this evening spoke about separatists in Ottawa negotiating with separatists in Quebec on the future of Canada, and he is exactly right. Who is to negotiate for Canada under these circumstances?

* (2110)

We recently watched Margaret Thatcher very graciously step down as Prime Minister of Great Britain. I mean, she still had a majority of support within her own Cabinet. She stepped down because her leadership had been questioned on the issue of membership in the European community and the common European currency. This was an intelligent and gracious move.

We need something, short of impeachment for high crimes and misdemeanours, to remove a sitting Prime Minister. We need some triggers that would set of the bells and whistles and say, hey, if you have any decency whatsoever, you would step down. We do not seem to have that in our system. People hang on until the last dog is hung. Unfortunately, it brings our whole system of Government into huge disrepute with the ordinary Canadians.

On the issue of Senate reform, let me say firstly that the Senate is probably beyond redemption in this world. In a nation that runs on the prospect of patronage appointment, the Senate is perceived as the biggest, richest, final trough in a series of lesser wallows. So it is doubtful that anything can be done at this stage. Recent appointments should be the death knell of the place. Had it been otherwise, a Triple-E Senate, on the American plan, perhaps with 24 Members in all, would properly function as a kind of shadow Cabinet for the Government and this would be a very effective and useful role for it to play. They would have the time to consider carefully each piece of legislation that comes forward, which is not the case in the hustle and bustle of the House. As it stands, I think it is too late for that.

That is my submission. Thank you.

Mr. Chairman: Thank you very much, Mr. Flatt. Any questions?

Mr. Lamoureux: Mr. Flatt, I do have one question for you. If you oppose the idea that a Party should elect the Leader and thereby if that Party is in Government, the Leader then would become the Prime Minister,

and then on the other hand you are suggesting that there should be an impeachment process for the current Prime Minister, now let us say that there was something of that nature and we had the resignation of our current Prime Minister, would you then suggest that a constituency by-election is the answer to electing this Prime Minister? Or would you suggest that there should be a general election?

Mr. Flatt: First of all, my complaint was that John Turner had gotten to be Prime Minister of Canada by being elected by no one, except a bunch of Liberals. He did not hold a seat in the House of Commons and I consider that to be unconstitutional, to go around calling yourself Prime Minister of Canada when you do not have a seat in the Commons. That is my first point.

Secondly, my point would be that something short of impeachment for high crimes and misdemeanours must be within our conventions and a large part of our Constitution is nothing but convention, whereby—for example, in Thatcher's case I think a rule went back to 1926 where under certain circumstances the Prime Minister had to submit to a leadership review, and if she did not get the particular proportion of support at that time, she stepped down. That is what I am suggesting for Canada.

Mr. Chairman: Any other questions? Mr. Flatt, your suggestion for the revival of Clause 90 is, to say the least, unusual. Conventional wisdom is that Clause 90 is now obsolete but simply has not been removed from the Constitution Act.

Mr. Flatt: Right. I think, without going into, we are hung up on how to amend the Constitution and so on. I think we have the mechanics in place now if we would use them. What we need is a federal Government with the balls to say: You cannot do that; we are going to disallow it if you try to do that. Not in all cases. I mean, if the federal Government were to say we are going to disallow amendments to The City of Winnipeg Act, it would be bizarre and absurd, but when a province puts forward legislation which impinges upon the rights of the individual, I think it is quite proper for the federal Government to invoke its long-standing power to disallow and say: You have 900,000 Anglophones in Quebec; we are not going to let you do that.

Mr. Chairman: Well, thank you very much. Our next presenter is Mr. Richard Rosenberg. I am not sure whether it is an organization called The People's Choice, or whether Mr. Rosenberg is the self-proclaimed people's choice, but I am sure he will make that clear when he comes up.

Mr. Richard Rosenberg (The People's Voice): You know, Mr. Chairman, I think it is the Members of your committee who are the people's choice. We are the People's Voice.

Mr. Chairman: Is it the People's Voice, sir, or the People's Choice?

Mr. Rosenberg: That is correct. We are here because the people sometimes do need a voice, other than the people's choice.

Mr. Chairman: Oh I see, yes, and on our list you are down as the People's Choice. We will, of course, make that change, and we have your presentation in writing, sir. Thanks very much. Please go ahead.

Mr. Rosenberg: You are very welcome. Mr. Chairman, Members of the committee, I am presenting not only for the People's Voice which is basically a group of friends and neighbours who came together, one through the other in loose connection at the time when the Meech Lake amendment was brought back by our Party leaders from Ottawa to Manitoba—during that 10 or 12 or 15 days this group started and within 10 to 12 days we reached close to 200 people. At that point we did not seek membership, but I am sure, as Professor Bryan Schwartz said, if mega-Meech starts happening again, the people will come forward. I have better things to do than dabble in these things most of the time. I am a practising lawyer in a small firm. I am a member of the Barreau du Quebec, as well as the Law Society of Manitoba, a 21-year resident of the city of Montreal and now about a 20-year resident of the city of Winnipeg.

Unlike Professor Schwartz, I get down to the nitty-gritty, and I only come forward when I feel there is a reason to come forward. I started about a year and a half ago. You might have seen me in front of the Legislature protesting what I call the cave-in of our three Party leaders in Ottawa, very understandable and no personal insults meant. They were in a pressure cooker; it is a pressure cooker coming from the East, which I understand, especially having lived in the West now.

Let me get to my presentation. I have three main points to make.

Mr. Chairman: Could you just pull that microphone a little more in front of you, sir? We are just having a little difficulty hearing you.

Mr. Rosenberg: Yes, sir.

Mr. Chairman: Thank you.

Mr. Rosenberg: Three main points to make. Firstly concerning, as a practising lawyer might, the way we changed our Constitution. By the way, I do not hope to compete with Professor Schwartz. My area that I practice in more often than not is divorce, but maybe that will be appropriate here. We do resolve certain things from time to time.

The second thing will be something that I am sure you have heard over and over again, and I call it the one basic unspeakable evil dilemma, the bottom line premise of a Constitution of a country. The third thing is probably fairly radical, although we are starting to hear it expressed more and more even by some reasonable people, so-called, which is what I consider the solution and a solution that really nobody has addressed.

* (2120)

Firstly, the way Canadians change their Constitution: I will read for a little while. Most Canadians would agree that the way we went about changing the Constitution at Meech Lake was an unmitigated disaster. To some, and this includes Brian Mulroney and certain others, the proof of this failure was the inability of the process to produce results despite the prior agreement of all duly elected heads of the Government of the federation and in the face of the approval of that agreement by Legislatures representing nearly 95 percent of the population. This was held as a club over our Party Leaders. To others, however, and I would include myself in this group, the ultimate failure of process rested with the simple fact that the Meech Lake proposal, despite the support at any given time of less than 50 percent of the Canadian citizens of this country, was nevertheless very nearly ratified by all the Legislatures of the federation.

Few Canadians agree, however, about where the process went wrong. Amongst our political elite, and I include advisers, constitutional advisers, bureaucrats as well as practising politicians in that group, we have witnessed the sorry and childish spectacle of the Prime Minister of Canada in turn blaming the Premier of Newfoundland and Labrador; his predecessor once removed, Mr. Trudeau; the current federal Leader of the Opposition, both in his former capacity as Minister of Justice during the time of the 1982 and '81 constitutional process of amendment and in his present capacity as Opposition Leader; the Member of the Legislature for Rupertsland; the Premier of Manitoba. The list can go on—blame, blame, blame, blame, blame.

We have also witnessed the Premier of Manitoba, unfortunately, and the two Opposition Leaders in Manitoba during the June 1990 period blaming the Prime Minister of Canada for waiting too long to "roll the dice" and then rolling "snake eyes" and all the other sorry things we heard. We have heard the Prime Minister, the premier ministre de Quebec, Monsieur Bourassa, the Leader of the Opposition, Monsieur Parizeau, blaming "English Canada," whatever that is, for rejecting Quebec. This futile list can go on and on.

Amongst the citizenry, one hears the blame being placed squarely at the door of the political elite. The citizenry, at least the people I talk to here in Manitoba, has become very tired and very cynical about this political elite and one of its claims to be nation builders. This feeling extends to the so-called experts who advise politicians and to those media regulars who apologize for politicians. Fair or unfair, that seems to be the view on the street and the view in Quebec on the street as well.

The one thing Professor Schwartz does not seem to realize, and I do not share his pessimism, is that Quebec may be just as out of control in this area as we are. The people feel strongly and frustrated, and how they take it out may be different from how they take it out in Manitoba, but that seems to be the basic feeling right across the country.

Thankfully, what went wrong with the Meech Lake process lies elsewhere, and I say that, thankfully. It lies in the process itself. Let me outline briefly and analytically what I feel the situation is.

In the years immediately prior to "patriation," and that may be the most gruesome word that has ever been used as a platitude in the political history of this country, of the Constitution in 1982, the process of changing the Constitution on the Canadian side was in essence a function only of the executive arm of Government.

Now technical lawyers will disagree but, in essence, that was the description of the function. In those years, the federal Cabinet in Ottawa, after meeting with, if it wished, its provincial counterparts in the First Ministers' Constitutional Conference after the late 1960s and so on, called forth an obedient Commons majority and an ineffective Senate to request by address that the Parliament of Great

Britain and Northern Ireland change the Constitution of Canada.

It hurts our pride to admit this, but that was the process of constitutional amendment pre-1982. These requests were always rubber-stamped by Westminster, passing legislation to change the British North America Act, in the end merely a law of that Legislature of Parliament, the mother of Parliaments.

At the Canadian or colonial end of this process, and again it hurts us, but it was a colonial process until 1982, no specific popular mandate, direct or indirect, for the change was traditionally sought by the executive, nor was such a mandate legally required at the Canadian end. The accountability, as in any colonial process, was at the mother country end, in the British Parliament, to the citizens of Great Britain.

In 1982, with patriation, meaning in truth with decolonization of the Constitution of Canada, various formulae were enshrined in the Constitution by which Parliament and the provincial Legislatures were given the role of ratifying amendments. Although these formulae are spelled out in detail, detail is non-existent in the 1982 law, and you can look it up, concerning the rights and duties in the process of Legislature or of the individual legislator, and you can see this confusion here in Manitoba and the debate immediately prior to the end of the deadline of Meech Lake, especially amongst the Liberal Caucus—no guidance at all in relation to the proposals initiated by the executive of the Legislature.

Ironically, looking back at Meech Lake, the 1982 law is likewise silent concerning the role of the federal executive and its provincial counterparts in the process. By that I mean there is nothing in there that says the First Ministers' Constitutional Conference necessarily has to be the initiator of a constitutional amendment, except for one exception which is irrelevant for the present discussion. It comes up in 15 years.

The 1984 to '90 Meech Lake attempt—it may take me a little while, but please forgive me, it will not take me that long. In 1984, with the 1982 Constitution in hand, Mr. Mulroney's Government set out to use the patriated amendment formula to bring Quebec into the Constitution. As lawyers, we all know that Quebec was already in the Constitution but, politically, it was a significant issue, and it is a significant issue in Quebec, especially emotionally. Anyway, we are going to bring Quebec into the Constitution. We have this new patriated thing, and away we go.

The First Ministers' Constitutional Conference, that institution used by the federal Cabinet in pre-patriation days to attempt to seek consensus prior to going to London, was elevated more by habit than conscious design to the role formerly played in the amendment process by the federal executive. The idea was simple. As the First Ministers usually command obedient majorities in their Legislatures, like the British Parliament and the colonial or pre-patriation process, these Legislative bodies would "rubber-stamp" the decisions or "accords" reached by the constitutional conference of First Ministers. It is incredible to think that people have missed this.

In this way, the process could remain as it had always been, the traditional monopoly of executive Government, and yet, as it always had been, it would still benefit from the appearance of popular legitimacy because the elected representatives of the people sitting in the Legislatures had ratified the amendment.

Moreover, this traditional—and it was called traditional by the Mulroney clan—way of doing things would be efficient and effective because it need not have at any point a specific popular mandate or any popular mandate for that matter. So nothing changed, we just changed the techniques and the bodies. Lawyers get involved in process, especially the ones that come up off the street.

What went wrong with Meech Lake? Events, as they often do in the course of human affairs, overlook this well-oiled scheme. One of the First Ministers who signed the Accord at Meech Lake, Mr. Pawley of Manitoba, unfortunately lost control of his Legislature. At the election which followed, the Legislature, your Legislature, failed to produce a First Minister with a disciplined majority who could deliver its rubber stamp in a timely way. As a result of the delay, two other First Ministers, who signed the accord, came to the end of their terms, lost control of their Legislatures in the next election and the rest is history, as they say.

The flaw: The lack of a legal requirement for a direct or even an indirect popular mandate is the basic flaw in the process employed at Meech Lake. Not only was the process seen to be arbitrary, secretive and undemocratic, it was in fact a classic example of a lack of responsible, accountable Government in this sense.

In Britain, from whence the principles of represented democracy come, which we use, if the executive—I mean in the Cabinet—sitting in

Parliament can cause the House to enact a law which has the effect of changing the unwritten Constitution of Britain, the next House can repeal that law. In other words, if they pass a law allowing the billeting of troops without compensation in the House against the Bill of Rights of 16-whatever, they can change it. The voters vote them out, the law is changed, it is gone out of the unwritten Constitution. The people thus effectively speak in a relatively direct way. I use the word "effectively."

In Manitoba, Canada, on the other hand, and this was very obvious in the Meech Lake fiasco, if the executive sitting in the Legislature, especially now that we have one with a majority Government, can cause the House to ratify an amendment to the written Constitution of Canada, the next House, once deadlines have expired, excuse my language, has a snowball's chance in hell of passing a law which repeals the ratification. The people in Manitoba thus never speak with effect and this is unrepresentative or irresponsible Government at its worst.

Remember I am in a limited sense here, with respect to amending the Constitution. Never speak with effect. Once it is done, we can throw them out, but we cannot get rid of the law. It stays, perhaps for generations, perhaps for centuries, because we are in a federal structure with a written Constitution.

If it had not been for the window of opportunity provided to this Legislature, to the legislators in Manitoba, by Mr. Mulroney's incredible arrogance and by the stand of the one courageous MLA for Rupertsland, our Legislature, despite again hearing from the people in Manitoba in phenomenal numbers, it never came about by a committee such as this may have yet passed Meech Lake unchanged without any direct popular mandate whatsoever to so do. The reason? People were afraid, they thought they were going to lose their country or all the other things. We are still sitting here in our country. We still have major problems to face, but the sky did not fall in.

People forgot where their job was. It was to represent the people of Manitoba in the process, not the fears of Quebec, not the fears of Brian Mulroney. The process that can even admit of the possibility of such an occurrence must never be permitted to be used again.

I for one, and many other people in this province are going to fight if it is tried. Mega-Meech, as I heard, we are watching. This committee and all other committees of Legislatures now abroad in the land can never take the place of a popular mandate in a federal system with a Constitution that is written. Let us not be part of producing Meech Lake II, please, the sequel. Such arrogance likely will not be tolerated by the people of Manitoba, I do not know, it may, apathy runs deep.

° (2130)

This Legislature at the moment has no mandate I would submit to effect changes to the Constitution. In the last election each Party went out of its way to avoid this issue in any depth. Take the lead on this committee. Go back to your caucuses, insist that Cabinet not regard this report and any other report as the equivalent to a popular mandate, please.

The next topic I wanted to address was the one basic unspeakable legal dilemma. Permettez-moi, mesdames et messieurs, de dire que c'est avec une grande appréhension personnelle que j'adresse cette prochaine question. La plupart de ma famille habite au Québec ou, si on veut, dans la province de Québec. Pour nous autres, les citoyens canadiens de Québec et pour nos co-citoyens canadiens de langue française hors de Québec, cette question nous donnent des soucis pas seulement théoriques.

(Translation)

I would like to say, ladies and gentleman, that it is with much personal apprehension that I address this next question. Most of my family lives in Quebec or, if you like, in the province of Quebec. For us, who are Canadian citizens in Quebec and for our French-speaking Canadian co-citizens outside of Quebec, this question raises concerns that are not solely theoretical.

(English)

They are very real to us. Quebec, the word "Quebec"—lawyers like to get technical—if we recognize this entity as a nation when we use that term, which we must: they are French-speaking descendants, French people that settled in the lower St. Lawrence Valley, similar language, similar culture, et cetera, is possessed by international law or by the Charter of the U.N.—I am not an expert in this area—of the right of self-determination. In this sense Quebec has the right to express itself as an independent or sovereign state, undeniable. The province of Canada referred to as the province of Quebec is, according to the Constitution of Canada, one of Canada's territorial and administrative divisions possessed of a Legislature and executive Government, as Manitoba is, with specific limited

subject matter and territorial jurisdiction over certain citizens of Canada.

We have problems coming, the ones who reside there. Mr. Flett mentioned 900,000 English-speaking, another 500,000 European descent recently. In this Constitution one jurisdiction of which this Legislature and Government, the one in Quebec, is not possessed is the right to secede from the federation. These are not simple matters. The heat is going to be turned up in the kitchen for all of you. This is a basic constitutional premise that has been fudged for 25 years.

The stating of this distinction and the exploring of its implications have remained taboo in Canada since the 1960s. I lived through the mailboxes, the bombs in the mailboxes. It is taboo. The time has come if you want to get into politics to take a cold hard look at Canada's position in light of this distinction. Hopefully, you will not be in Abraham Lincoln's position, but you may be. History tells us that 95 percent of secessions end up in civil war. Maybe Canadians can do a better job. It is going to take some wisdom in the future now. The implications are enormous, and I will not go into it with this committee. I am sure you have heard bits and pieces of these implications from everybody, but that is the basic premise, you cannot have those two premises mixing in a Constitution. It is impossible, not when one side wants to exercise the right of self-determination.

The solution—I will be quick—is it is proposed that the people of Canada come together by sending elected and trusted agents to join in an assembly and so bring forth for itself a new Constitution, new laws for better governing of Canada. Now whether laws totally change, the constituent assembly that results totally changes everything, or partially, is another question.

To this end, an amendment to the Constitution of Canada be sought by organizing in each of the 10 provinces and in Ottawa a popular movement—if we can get the executive to do it we will try—with the view to convincing legislators to pass a constitutional amendment law in each Legislature and in Parliament, calling for the election from new districts across the land of people's representatives to sit in a constituent assembly. The work of the assembly will be to draft a basic law for the people who elected it. You cannot deal with it on a bandaid basis.

During the time the assembly is at work the role of the present constituted authority—

Mr. Chairman: I am going to have to stop you there, sir, I am sorry. We will, of course, read the remainder.

Mr. Rosenberg: That is unfortunate. In any case, what I am trying to say is, we are standing with our finger in a light socket and water on the floor and the current is about to be switched and we had better start looking at the people for help. Thank you very much.

Mr. Chairman: Thank you. Any questions? Mr. Praznik and then Ms. Friesen.

Mr. Praznik: Thank you, Mr. Chair. Mr. Rosenberg, you draw the analogy to the United States in the late 1850s and in 1860, obviously to the issue of secession. Your proposal for a constitutional assembly, others have made that presentation to this task force. If we were to see that happen in Canada and a delegation from Quebec were not able to live with that constitutional task force and move to the secession mode, what would be your advice to Canadians and to Manitobans at that time?

Mr. Rosenberg: I would not dare take the position in making that advice. I see where your question is coming from; it is something that scares me tremendously, but you do not get rid of the problem by burying your head in the sand. Yes, you come into the situation of President Lincoln. You are in big trouble if Quebec does not present itself. Technically, legally there is no way they can leave the country as the province of Quebec.

We have problems right now because when the Belanger-Campeau Commission, if it is adopted by the provincial Legislature, legally if you look at that basic one unspeakable distinction, the Prime Minister of Canada starts having major problems because within the Province of Quebec, as opposed to Quebec, you cannot advocate what they are trying to advocate, not legally. Now I am not one that is sitting there saying, let us take up arms and fight; I do not want to see that at all. As I said in French, most of my family lives there. It is a terrible, terrible dilemma for politicians. The way we have been trying to do it for 25 years is bury it. I do not know how you can, you have got to take some hard, hard stands and decisions.

Now what I advocate. I advocate throwing the matter to the people for once, trusting the people of Canada. I live in Quebec and my family does, I live here—of course we are on the Anglo side in Quebec, I will say that, although we have some Francophone members of our family. I find, being involved in the hockey organization in Manitoba with my youngster,

that it is funny how that works right across the country. I think if we stepped aside and stopped the power grabs that we are looking at right now and let the people do the job, things may work out. I trust and hope they would. I think that is one thing that has never been tried, especially out of Quebec. It does not have a tradition of that.

You are not hearing the basic—you are hearing the discontent from Quebec. There is the same problem with Constitution amendment there. In the end, there is no accountability. It does not go back to the people, and the one thing that we have lived in Canada since the American Revolution and the United Empire loyalists came up here, is in counter-revolution to democracy, basically. We have systems set up. They are traditional. They work in England. They work in a unitary state with a relatively cohesive culture. We are just afraid to expand our horizons and look.

* (2140)

The American Revolution cannot totally be discounted. Checks and balances, the advice and consent role of the Senate, which I notice everybody misses in their presentation to you, what better check on a federal Prime Minister than having to go for advice and consent. Why is North Dakota the fourth richest state in the United States and we are one of the poorest in Canada? That is advice and consent. You have two senators sitting there and the President wants a new appointment to the Supreme Court and he has to make a deal—practical, silly, but it works.

Now, I do not know; I have heard Ms. Friesen over the last couple of days propose many, many interesting questions and topics, but none of us can sit here at this point and try to band-aid a Constitution of the country. It cannot be done. A constitutional convention, a constituent assembly, if you would let me read it, could have no time limits, should have all the financial help it can have. The present constitute authority would be the trustees of the peace, order and good government of the country while this went on. The process could take 10 years if necessary. It could use all the expertise it needs. It could be done civilly if Quebec does not show. I do not see why they would not trust their people. The political argument would be incredible. What a position to put to Monsieur Bourassa. Do you trust your people? Very interesting. Not the majority rubber stamp in his Legislature, his people—I trust them.

Ms. Friesen: I noticed in the first section of your paper one of the, I guess, underlying assumptions is that you lament the loss of political power that the people had before a written Constitution was introduced. Am I right in assuming that?

Mr. Rosenberg: Not at all. I am all in favour of a written Constitution.

Ms. Friesen: I see.

Mr. Rosenberg: What I am saying is that the issue of accountability in the amendment process was never thought out in the 1982 constitutional amendments. We just followed our traditional ways without realizing that we were not England any more, and we never did incorporate accountability because in a colonial process there was no need for accountability on this side of the water. Why would you? The mother country had the final authority. It was its law, so there never was accountability in the sense of, the next Parliament can throw the constitutional amendment out.

Ms. Friesen: That is not accountability, in your view?

Mr. Rosenberg: Absolutely not, because you cannot change the amendment once it is made unless you run it through 10 Legislatures and Parliament again. We were trying to tell legislators here in Manitoba that spoke to that issue before Meech Lake, when they were saying, we have to vote our conscience, we have to vote to save our country and 75 percent of their constituents were telling them, we do not believe Mulroney. You cannot do that.

They were all standing there one after another, except for certain in the New Democratic Caucus who had the courage to stand up. I did not hear many of the Conservatives, because I only heard the Prime Minister and the Premier stand up and say, look, we do not care what the people are saying here. We think we are going to save the country. We have every right in parliamentary tradition to do this. People's views are just one thing we take into account.

I heard speeches by Mr. Carr, I heard speeches by other people. I sat in the Legislature and listened, and you know, we could throw them out, and I think the people in Manitoba probably did a fairly good job of throwing everybody out that did not remain silent, but we cannot change if Meech had passed. There is no way it would change. It will not change easily. No effective voice, therefore, no accountability, and it is—

Ms. Friesen: Okay, I misunderstood you then. I assumed that you did see popular elections as a form of accountability, and that you did lament to some extent the ability of one Parliament to reverse the voice of another.

Mr. Rosenberg: Not at all.

Ms. Friesen: Okay, so I misunderstood you on that. My second question was related to the part you did not have an opportunity to read out from your presentation, and that is the constituent assembly that you are talking about, and you propose that it come from different types of districts, electoral districts than exist at the moment. Could you elaborate on that a little?

Mr. Rosenberg: Not very well. That would take some drafting. What we are talking about is basically avoiding the executive. You see in the American Constitution, their process of constitutional amendments is worth studying because the executive does not sit in the Legislature, so people go to the Legislature with their constitutional amendment. They form committees. All the states and in Washington, and the constitutional amendment process comes from the bottom up—

Ms. Friesen: Never . . . you are proposing, with different districts? So they are non-provincial districts? Are they regional districts, are they class-based districts?

Mr. Rosenberg: The groups that organize from the bottom up would have to think this out. I am just throwing out food for thought here.

Ms. Friesen: It seemed a particular distinction and there have been a number of presentations regarding constituent assemblies, and so I wondered if you had—

Mr. Rosenberg: There are many versions that could be used. I think if everybody put their heads together we could even have some appointed people from different and various interest groups across the land, including in Quebec. What I am saying is, even if all the governors in the United States and the President got together and passed a solemn accord, there is absolutely no guarantee that, nobody would expect that, to go through every Legislature automatically. Party Whips could not be put on because there could be a Republican Party in one Legislature and a Democratic executive.

We have got problems here in Canada. We have the worst of the British system and the worst of the American system in this sense. As a matter of fact, if I sat on the Constitutional Assembly, I think there is much in our Constitution that is beautiful and works very, very well, but in terms of constitutional amendment, we are babes in the woods. We only became independent in 1982.

Ms. Friesen: Or '31.

Mr. Rosenberg: Our first try at Meech—well, 1931 we managed to impose the rubber stamp, but we still had no accountability. In 1984 to '90 and Meech Lake, we stumbled. It was our first steps.

Ms. Friesen: I had one more question. We are going to run out of time for questions, so I wanted to get this one in. You said you represented 200 people. Could you give me the geographical range of those 200? You refer to them as friends and neighbours. Is that simply Winnipeg, or one part of Winnipeg, or what are we looking at?

Mr. Rosenberg: It started with six people that presented to Mr. Fox-Decent on Meech Lake. When the Leaders came back from Ottawa, within six days of just passing the word around, it expanded to close to 200. We never sought anybody. I have my list. They pretty much radiate out into most of the constituencies of Winnipeg and around about as far as Brandon, through Mr. Praznik's constituency. We seem to have some people out there, as a matter of fact many of them, unfortunately for him maybe. I do not know.

Ms. Friesen: Okay, thank you.

Mr. Rosenberg: I think it could grow from 200 to 2,000 rather rapidly. Thank you very much.

Mr. Chairman: Thanks very much, indeed.

Mr. Rosenberg: I am sorry to upset anybody.

Mr. Chairman: Not at all. Mr. Harry Friesen.

Mr. Harry Friesen (Private Citizen): Thank you very much, Mr. Chairman. I was not exactly dreaming following the steps of a lawyer, but I will give it my best shot. I would like to say that I am not an historian, or a political or a constitutional expert. I have never had experience of presenting a brief, so I just hope you will bear with me a little bit here.

My brief is sort of in three parts. It is a little bit about the history of what I see is maybe the part, it may be the reason for why we are in this turmoil. Secondly, it dwells a little bit about, maybe, the long-term solutions and then about or maybe our immediate problem. I will begin, and I will just sort of read it.

I will start it with a little phrase or a few clichés, which are: I have seen my enemy, and it is us; also, a house divided it cannot stand, and together we stand, divided we fall. Now, of course, all these clichés, no matter how simple they may sound, carry a very strong message. None appear to have a simple solution. All of them can be applied to the situation that our country is presently facing.

All of these sayings imply weaknesses and disaster. Now every young country will experience growing pains, but if it remains strong and united, it will become even stronger by overcoming these difficulties. However, it seems now that we are only struggling with our problems and becoming weaker with every encounter.

Now for over 100 years, Canada grew with one good vision, one of being free, strong, striving for peace and equality for all Canadians. However, in my opinion, approximately 25 years ago this vision of Canada was altered. New Leaders with a very different view of what Canada should be emerged, and the only way they could realize their vision was by planting seeds of disunity. However, this plan was cloaked under the guise of greater unity for this country. Well, for the last 25 years this new plan has slowly been implemented, and we have become even more divided than these Leaders could possibly have envisioned.

The Liberal Party of Canada, once a proud and democratic Party, stood for justice, peace and equality for all and helped shape this original vision of our country. Under the leadership of Pierre Elliott Trudeau this Party became a vehicle and a tool to promote their new vision of what they believed Canada should become.

° (2150)

We all know what has happened to the Liberal Party now, in total disarray and unable to find its roots. However, the seeds of disunity, having now flourished and sapped the Liberal Party of its strength and usefulness, has disregarded that Party. Leaders determined to further promote their new vision of Canada, adopted a strong political Party, namely the Progressive Conservatives, and put their own Leader at the head of this Party to continue this destructive trend. The Leader they chose, namely Brian Mulroney, had his own personal vision to obtain and cling to power at any cost, realizing that to effectively carry out his plan for personal gain he must be prepared to sell out the rest of Canada to Quebec, thus creating more confusion and turmoil.

Now Quebec is recognizing that even Brian Mulroney cannot deliver their demands. Even he has now outlived his usefulness and has, in the process, also destroyed the PC Party.

The Trudeau vision of Canada not to be realized as long as the Canadian Constitution, which stood for what the Fathers of Confederation had envisioned and protected, namely one strong Canada with equality for all, was intact and could not be altered. Again, under the guise of unity, they repatriated our Constitution, thus enabling the leaders of disunity to attack the very foundation of Canada.

Now they were able to implement into the Constitution further seeds of discontent, thereby threatening individual rights and freedoms. We have seen the result of that.

As a result we now have demands from every conceivable interest group to be enshrined in the new Constitution, each seeking to create a Canada that will accommodate individual self-interest and rights, namely western Canada, Atlantic Canada, visible minorities, biculturalism, multiculturalism, women's groups, Native groups, Francophones, Anglophones, Quebecers, and the list goes on and on.

I am not saying they are not valid causes that they are arguing for. All these groups are now tearing at the true fabric of Canada by insisting on their nearsightedness and self-centred demands for their rights. Thus, there is now no longer a unified effort by any one group to build a strong unified Canada for all Canadians. We no longer have a common goal or a base to build on.

However, the vision of Trudeau and Quebec can never be realized. That vision was and still is by Quebec not to create a Canada that can accommodate Quebec but a Quebec that will accommodate Canada on their terms. The only way we can begin to rebuild a Canada for all Canadians based on equality, trust and justice is, and these are long-term things:

Number 1, recognize the seed of disunity from the past under the guise of unity; No. 2, we must not only recognize this truth but be prepared to confront these realities and to act and reverse this destructive course we are presently on and; No. 3, we have to recognize and re-educate ourselves and our children that this country is one nation from sea to sea or no nation at all; that the strength of a country is having one common goal.

Now, I have No. 5 and this is a very, very—you will not do this one overnight, but this is part of the real problem we are having and it is part of what allowed all this to happen. We must reform the Parliament of Canada and the Senate to be able to be more accountable to their electorate and ensure that each individual vote in Canada is equal. We know that, as it stands today, it is totally on the democratic—it is

totally by control of what I say is a central Government with a leader. If the leader is for the country, fine; if the leader is for part of the country, fine. He is totally able to manipulate this situation. I am saying unless we reverse that—but we will not do that. I think that is something that is going to need a lot more hearings and a lot more looking at how we can solve all our problems.

Now I am going to leave out a little portion here because I think I might be running short. I will turn to page 8 on part 2. Tremendous damage has been inflicted on Canada over a wide span of years and is still continuing. This damage cannot be resolved or reversed over a short period of time, especially with continued deadlines hanging over our heads.

The divisive forces that are the source of these conditions are still intact and at work. Therefore, our immediate task is not to correct and rewrite the Constitution for the future. As it now appears, there may not be a future for Canada as it is today.

Our first priority must be to unite and counter the present demands being placed by Quebec on English-speaking Canada. The citizens of Canada must demand from our politicians that a mechanism be devised by which we can implement a strong, non-political body with a mandate that will have the authority to negotiate on behalf of English-speaking Canadians.

The measures now being taken, namely forming commissions on Constitutions, are a mere smoke screen and a diversion to confuse English-speaking Canadians by having them believe they are participating in democracy and involved in shaping our future. They also are only a platform for individuals or groups to express their frustrations and despair.

As from past experience, when all is said and done, their voices remain unheard. A clear example of that was our hearings on Meech Lake which were identical to the present hearing with virtually the same personnel and format. The overwhelming consensus of that hearing was that the public in Manitoba and the rest of Canada did not support Meech Lake. Yet, our elected Leaders simply ignored these findings and ended up supporting the principles of Meech Lake. Had it not been for our Prime Minister rolling the dice too late, Meech Lake would have been passed.

Another example was the federal Government all-Party hearings which toured all across Canada and which made numerous recommendations from its hearing on changes that should be made to Meech Lake. They were also totally disregarded by all Governments. If these hearings serve any useful purpose, it is definitely not for English-speaking Canadians but for Quebec and our federal Government.

While these countless committees are struggling to find an answer to the problem facing Canada, they are in fact keeping English-speaking Canadians from organizing and becoming effectively mobilized to counteract the present demands from Quebec, which leaves virtually no one but the federal Government and Quebec to negotiate the demands for more powers for Quebec, and Quebec's present demands are for an independent Quebec with sovereignty over the rest of Canada. If you need an example, the federal Government just gave away control of immigration to Quebec. If you believe that is not just the beginning of dismantling Canada bit by bit, you choose to be blind.

* (2200)

Also, the Prime Minister's statement that his bureaucrats are presently instructed to study ways of restructuring powers should give us a very strong indication that more negotiations between Quebec and the federal Government are presently underway. The people of English-speaking Canada should have made an immediate demand through their elected representatives in their provinces that the federal Government only be allowed to govern, but under no circumstances should they play a role in negotiating the centralization of powers to any part of Canada without full participation from the people of Canada. The citizens of Canada must unite and demand from all politicians that they relinquish the powers of negotiation regarding the present demand and future constitutional demand to the people.

Also, the elected of English-speaking provinces should create a body that represents the people to handle all immediate negotiations regarding Quebec. Decisions of this nature have to be taken out of the hands of politicians who are always under the pressure of Party discipline or else are influenced by decisions for political gain. Once this independent body is established it must provide a forum for the English-speaking Canadians to express their views regarding the present demands of Quebec and to determine the future of Canada with or without Quebec.

Having obtained the views of Canadians, and with a given mandate, this body must now have the

authority to negotiate conditions with Quebec if their decision is to separate. For example, they must have an outright position on any restructuring of our boundaries, be part of the decision making process on the terms under which Quebec is allowed to leave Quebec, including questions such as do they leave with more of Canada than when they joined Confederation or should they in fact be allowed to leave only with what they originally had before joining Confederation.

They have to also be able to negotiate what portion of the national debt will Quebec be responsible for, should they decide to become a separate country. When negotiating federal contracts or advantages that Quebec is presently receiving from our federal institution, should in fact these contracts be continued? This committee should be in a position to negotiate any unforeseen circumstances that could affect English-Canadians up to the time of actual separation.

If Quebec decides not to separate but remain a part of Canada, then this body must also have the authority to re-establish the original status of Quebec in Confederation. This would mean that Quebec would have the status afforded to all other provinces of Canada with the same equal rights, governed by one federal institution and one nation.

Now in summary, sure we are concerned about the Constitution, but the immediate priority must be to establish a credible committee with authority to negotiate on behalf of English-speaking Canada, confronting the immediate demands of Quebec, and only after these issues are resolved, we need constitutional hearings like these to re-establish the order of Canada with or without Quebec.

Now these are, as I said, my personal views, and I appreciate to have had the opportunity to present them. There is a lot more that I would like to say, but this is it at this time. Thank you very much.

Mr. Chairman: Thank you, Mr. Friesen. Any questions? Thanks again, sir.

Professor Jim Silver. Good evening. Is there a written text, Professor Silver?

Mr. Jim Silver (Private Citizen): Good evening. There is, yes.

Mr. Chairman: Thank you. If you just wait one second, we will have it in front of us. Go ahead. Thank you.

Mr. Silver: Thank you, Mr. Chairman and Members of the task force.

The east-west links that bind us, transport, communications, shared-cost programs are being severed. The north-south links that threaten our economic well-being and that threaten our sovereignty are being tightened, and to these problems we have recently had added the Allaire report, which proposes either an emasculation of the federal state or Quebec separation, and the Mulroney Government's latest effort to decentralize and fragment the federal state by setting his senior civil servants to the task.

It is my view that the Manitoba Constitutional Task Force should speak out for a strong, sovereign, democratic Canada committed to the pursuit of social justice. The risk that I think is the greatest, the greatest risk confronting us now as a country -- that of fragmentation. I believe that the risk is substantial, that Prime Minister Mulroney will respond to the Allaire report and to the end of March Belanger-Campeau report with an offer of substantially increased powers to Quebec which in itself, depending upon what they were might be all right, but he will also give the same powers to all of the provinces. He has already said that he would do this, in his Buckingham speech for example.

Some of the provinces, British Columbia, for example, have insisted that any powers going to Quebec should go to them as well, and Quebec's aspirations will be used, in my opinion, as a screen behind which radically to decentralize and fragment the country. This is consistent with Meech Lake, in my view. In fact, ... is Meech Lake writ large, mega-Meech as Professor Schwartz put it and others before him have put it. It is consistent, in my view as well, with the neo-Conservative agenda and with the wishes of the Business Council on National Issues.

The fragmented provincial entities that would result would then be easier for big business to play off one against the other. There would be competition between these fragmented provincial entities for capital, which would force labour standards, environmental standards, standards of all kinds down. The fragmented provincial entities would be more susceptible to the southward pull from the United States, thus increasing the risk of eroding our sovereignty. The danger is, of course, that this new fragmented character of Canada would be permanent because it would be entrenched in a Constitution and in the Free Trade Agreement. So what we are talking

about is denying future voters any option but a variance of neo-conservatism.

In other words, the current constitutional conflict is not just about amending formulas and the distribution of powers; it is about competing visions of Canada.

The Allaire report supports its call for a massive decentralization of powers with the claim that Canada needs a leaner, more flexible, less interventionist state, one better able to compete in the new, more competitive world economy. This language is by now all too familiar to us. It is an easily decipherable code used to describe the soulless, bottom-line, neo-conservative agenda which has been imposed upon us, at very great cost, by the Mulroney Government and its allies, the Business Council on National Issues. These forces seek to create and to make permanent a federal state so fragmented that it does not have the capacity to maintain the redistributive processes needed to pursue social justice in Canada.

It is one thing for Canadians to elect Governments with this ideological disposition. It is quite another for such Governments to seek to entrench, by way of such mechanisms as constitutional restructuring and the Canada-U.S. Free Trade Agreement, to entrench their own market-driven world view. If they are successful in achieving this, it will remove from voters the opportunity in future to choose governments committed to using the federal state for redistributive purposes in pursuit of social justice. It would reduce electoral choices to a narrow range of neo-conservative options. This is a vision of Canada which is at odds with the interests and the desires of the vast majority of Canadians, and its entrenchment should be vigorously opposed, in my view, by this task force.

The alternative to this very likely agenda is a strong federal state with a national vision, prepared to put in place shared-cost programs and other redistributive mechanisms to bind the country together and to make it possible to continue the pursuit of social justice. This, in my view, is consistent with Canadian values. It is certainly what we in Manitoba need, and it should be the framework, in my view, for the position advanced by this task force.

* (2210)

Within that framework, I think certain specific objectives should be pursued, specific objectives should be advanced by this task force, and I will comment on five of them.

Firstly, with respect to Quebec, Quebec, I think, is a distinct society and should be recognized as such and accorded the powers consistent with that status. The Manitoba Constitutional Task Force should take the lead in advancing a reasonable federalist position which I think would consist of more powers for Quebec than they now have, but far fewer than the Allaire report demands. These powers should not be given to other provinces. This, I think, is essential so that what I am recommending, therefore, is an asymmetrical federalism with special status for Quebec.

I believe that we should put the federalist case in the context of the fact that Quebec has benefitted economically from federalism and will suffer economically from separation and, in the context of the fact that Quebec has flourished under federalism, maintaining its language and its culture, increasing its numbers, this will not happen should Quebec separate and be drawn into the U.S. orbit, as would more likely to be the case.

A reasonable federalist position might find support in Quebec. We have no way of knowing that now. If Quebec does not move significantly from the Allaire recommendations, then, in my opinion, sovereignty is the only answer. They have the right to self-determination. We are better off—I say this with regret—with no Quebec than with a completely fragmented Canada.

I happen to agree with much of what Professor Schwartz said earlier this evening. I think, unfortunately, it is likely that he is correct, that the kind of middle ground that I am suggesting might be found, may well be gone. However, I think we owe it to Canadians and we owe it to ourselves to make one last effort. It has to be an effort, in my view, that does not give anything to Quebec like what the Allaire committee report has called for.

Should Quebec separate, should we not be able to find some kind of satisfactory arrangement that does not fragment the country, if Quebec separates, our task would then be to ensure that we build a Canada minus Quebec which is able to maintain its sovereignty vis-a-vis America, and able to maintain its capacity to pursue social justice.

With respect to aboriginal rights, it is my view that the constitutional entrenchment of aboriginal rights, and especially the right to self-government and to a land base, must be a central part of a comprehensive settlement. The Manitoba Task Force must ensure

that aboriginal rights are not once again forced to take a back seat to other demands deemed to be more pressing. Aboriginal people have waited too long; their patience is wearing thin; their grievances are real; and their cause is just.

The task force, I believe, should insist as a matter of urgent priority, that the aboriginal right of self-government, including the right to a land base, be explicitly recognized in the Constitution Act, and should insist that outstanding land claims be handled swiftly, much more swiftly than has been the case so far, and fairly, which may require setting up some kind of independent body which would adjudicate the process.

What could be more appropriate than that this case be advanced—indeed, that this case be insisted upon—by the province of Manitoba? A province whose population was overwhelmingly of aboriginal descent at the time of The Manitoba Act of 1870. A province brought into being by Louis Riel. A province in which aboriginal people continue to make a significant contribution to the pursuit of social justice in Canada.

The third area, the specific area that I want to comment on is the regional question. The historical grievances of the regions are rooted in our hinterland status here in the West. We have been the suppliers of cheap resources too in the markets for expensive manufacturers of central Canada, and this structural problem has been aggravated by the inequities of the representation by population electoral system, which leaves the relatively sparsely populated regions without an adequate political voice. This, of course, has led to the call for a Triple-E Senate.

I am opposed to the Triple-E Senate. I do not think it would solve the problems that it purports to be addressed to. It would result, I think, in conflict between the two Houses which would bog us down in endless legalistic battles in search of accommodation, which would in turn reduce the capacity of federal Governments to act.

An elected, effective Senate, moreover, would be Party based, and a Party-based Senate would not necessarily reflect the interests of the regions. Manitoba, of course, would have only one-tenth if we had an equal Senate. Manitoba would only have one-tenth of the representatives in a Senate in any event. We are not, I believe, part of an homogenous West, so it would help Manitoba very little to have a Triple-E Senate. It would help Canada very little, in my opinion, as well, because what we need most in Canada generally and out here in the West is a strong central Government committed to universal shared-cost programs designed to bind the country together and to pursue social justice. The Triple-E Senate is not the means to achieve this, nor to resolve the West's real grievances.

The fourth area that I want to comment on is the Free Trade Agreement. It seems to me that there is little point in debating constitutional change without also considering the Free Trade Agreement. Manitobans need a strong central Government with a national vision. We seek to build a fairer and more democratic Canada. The Free Trade Agreement prevents our doing this. It restricts the powers of the federal state in many ways. It is in fact intended to do precisely that. It is not so much a trade agreement as it is an expression of classical liberalism, a means of reducing the capacity of the state to act and of turning the decision-making powers over to the marketplace. It erodes our capacity, for example, to manage our energy resources. It erodes our capacity to regulate foreign investment, to introduce new social programs. It is in the course of eroding our economic base, and it will, in time, erode our sovereignty. What point, then, in making the constitutional changes needed to build a strong Canada if, at the same time, we do not also make the economic changes needed to make this possible, and if also at the same time the Free Trade Agreement is eroding our sovereignty?

The fifth thing that I want to comment on is democracy. The constitutional debates of the 1980s, the Meech Lake Accord and patriation in particular, made clear the elite character of the decision-making process in Canada. In the case of Meech, in particular, we had 11 men behind closed doors who gave us a document which they told us we could discuss but not change a single comma. Equally notable, however, has been the extent to which Canadians have repeatedly insisted upon being allowed to participate.

More generally, I think people agree with Jean-Jacques Rousseau whose comment about the English could just as easily have been directed to modern-day Canada. Rousseau said the English people thinks itself free but is badly mistaken. It is free only during parliamentary elections. Once the Members of Parliament have been elected, it lapses back into slavery and becomes as nothing. Perhaps his use of the words "slavery" and "nothing" overstates the case here in Canada, but it is the case,

I think, that once a Government is elected with a strong majority, we lose control. We certainly lose control over the process of amending our Constitution.

I believe that the legitimacy of Canada's elite-dominated forms of democracy is being challenged and that we can see that in the various kinds of task forces and hearings that have been held across the country. What would be more appropriate, then, than a Constitution which expresses and makes more possible people's growing desire to participate in making the decisions that shape their lives? We need structural changes in our political and economic institutions to break down elite control and open them up to popular participation in a myriad of ways.

* (2220)

I have suggested some possibilities. Other possibilities, I am sure, have been suggested by other people making presentations. I think, for example, that an increased use of referenda should certainly be considered. The possibility of a constituent assembly should not be dismissed out of hand. I think it may well serve a useful purpose. Even the old western Canadian idea of recall deserves some consideration. Certainly, we cannot possibly replicate the Meech Lake process, and this task force, in my opinion, should insist that such elite-dominated practices be made impossible in future.

By way of conclusion, I want to emphasize two main things. There are two things that particularly bring me to make this presentation. The first is what I consider to be the very great danger of the fragmentation of this country which would, if it were to happen—and I think it is a real possibility, I think this is the neo-Conservative strategy—it would make it impossible in future for a federal state to pursue social justice.

The second thing that I want to emphasize is that I think it urgent that aboriginal needs be responded to as a matter of highest priority. It is no longer reasonable. It is no longer fair. It never was fair. We must come to terms with this problem.

The other matters that I raised are I think of slightly lesser importance. I want to emphasize the first two. However, by way of emphasis, I do not believe the Triple-E Senate is a solution to regional problems. I believe that the Free Trade Agreement should be abrogated, and I think that we need to consider seriously other means of promoting democracy.

Thank you for your time and attention and for the opportunity to make my views known to you. Thank you.

Mr. Chairman: Thank you, Professor Silver. You fall short of calling for the abolition of the Senate. Is it just that I draw too fine a point on the lack of the explicit words?

Mr. Silver: I did not specifically advocate the abolition of the Senate because I wanted to leave open various options. The West, for example, has real grievances which have not—I think the depth of those grievances has not been fully appreciated elsewhere. I think what needs to be done is that we enter into some sort of a process by which we seek various kinds of potential options to solve those problems. Well, I simply do not want to argue in favour of the abolition of the Senate; I want merely to say that I am opposed to the Triple-E Senate.

Mr. Chairman: Any other questions?

Ms. Friesen: I had two questions. One is, when you talk of a constituent assembly, you talk of selection. Is that deliberate rather than election?

Mr. Silver: Yes, in order to hold open the option that we might want to have recourse to appointment of people from particular constituencies, from particular parts of the population. I have not fully thought that through, but it seems to me that would be one possibility, that you ensure that the composition of Canada as a whole is adequately represented.

Ms. Friesen: That is the basic purpose.

Mr. Silver: Yes.

Ms. Friesen: Okay. The second one was, you talked about new forms of democratic participation. We probably do not have time to go into examples now, but is there any literature, any articles or books that you could direct us to on this, either now or at a later date?

Mr. Silver: Yes, there are some that I could direct you to, which I probably could not come up with off the top of my head.

Mr. Friesen: If you had some that you could submit to us in written form later, that would be useful.

Mr. Silver: I would be happy to do that.

Ms. Friesen: Thank you.

Mr. Chairman: Any other questions? Thanks very much, Professor Silver.

Mr. Silver: Thank you.

Mr. Chairman: You will see an address in the pamphlet to pop us a line, if you will, with that additional information.

Laurie Todd. Mark Grosman. Hello, Mr. Grosman.

Mr. Mark Grosman (Private Citizen): Hello.

Mr. Chairman: Do we have a written presentation? Ah, yes, thank you. Whenever you are ready, sir.

Mr. Grosman: Good evening. I am happy to have this chance to put forth my views concerning constitutional reform. My presentation was written with a concern for an economy through this period of constitutional reform, and I hope you find it relevant. I will start with my preamble.

In introducing my paper, I would like to make a few points. I believe a Constitution is essentially an agreement which allows people with many differences to live together. The very basic purpose of our Constitution is to provide a means to divide the power and wealth of a united group of peoples. Many of the policies presented in any Constitution have underlying and real economic consequences. Economic considerations should be of paramount importance when considering constitutional reform. Changes to our Constitution regarding women's rights, aboriginal rights, minority rights, language issues, sovereignty, et cetera, should be heavily influenced by the economic impact that these policies would have on an entire country.

If we deal with these issues without acknowledging their economic impact, we will be accomplishing very little, for a Constitution is a means to divide power and wealth and not to reduce that power and wealth. People are fighting for a larger portion of the pie; however, if they succeed in securing a larger portion but, by doing so, destroy the pie, who really benefits? No one.

In my paper I have outlined a process of economic reform which in order to be implemented demands constitutional changes. I believe if adopted the proposed process would not only allow the pie to be divided in a more equitable manner, but it would also allow the pie itself to be larger. Therefore, the respective pieces would also be larger, and everyone involved would benefit.

Furthermore, many of the current constitutional questions would be easier to answer if the mandate of constitutional reform was an adoption of the proposed process of economic reform. Much like the engineering adage "form following function," our Constitution's form should be such that it would allow the proposed process of economic reform to be functional.

Mr. Chairman: Before you go any further, sir, I just wanted to say to you that I am doubtful we will get through all of this in the time allotted, so you may want to pick and choose and highlight for us. It is entirely as you choose, of course.

Mr. Grosman: I was just going to say, I am going to be doing some page jumping. I am just going to—

Mr. Chairman: As long as you tell us where you are going to let us keep up with you, that would be very helpful. Thank you.

Mr. Grosman: I am going to page 5.

Mr. Chairman: Okay.

Mr. Grosman: Basically, I call it "A Path to Prosperity." This is the economic reform I was talking about. It is just an introduction. In "A Path to Prosperity," I have outlined a system of tax reform which I believe we should implement so as to continue to enjoy economic prosperity. The extent of this prosperity should be measured by the size and standard of living of our middle class. I believe the proposed system would prove to be a more effective, efficient and flexible system than those which are in place today. It would also form the foundation in our attempt to build an economic environment based on sustainable development.

The system would allow and in fact demands a redefinition of the roles of the various levels of Government. The main goals of the system are flexibility, accountability and efficiency. Most of all, the system is designed to enable government, business, labour and people to work together in a positive and productive manner. The system can be and should be implemented in a revenue neutral manner. The steps following implementation can be taken in a manner that is both measured and controlled so as to ensure economic growth within both the business sector and the community. With this system, the tax base available to fund programs, social or otherwise, would increase. In principle, the system is quite simple; in practice, it requires attention to detail and teamwork. Very much like any successful and efficient entity.

To my synopsis on page 12. The changes to our tax system described in "Path to Prosperity" can be summarized by the following points. The reason for these changes is to attain a level of economic and political reform which will satisfy all Canadians. By far the first two points are the most important, and their

effect on our economic and political environment should not be underestimated.

1. Our businesses should be classified according to their responsibility to their community and by the amount of competition they face. Such classifications would allow a system of taxation to be developed which would ensure each business pays its fair share but no more than its fair share of taxes. This essentially is addressing sustainable development.

2. All tax revenue should have a predetermined use. It seems really simple, but this actually would have to be addressed in the constitutional reform.

The following two points are more of economic and do not really relate to constitutional reform.

These steps will enable our nation to do away with the confrontational style of dealing with problems and allow us to start working together in a more positive way.

(2230)

On a separate tangent, page 2, this is an idea I have had that would possibly allow Canadians to adopt a more nationalistic point of view and maybe appreciate our country more. If I could just read through it, and this is more of a national program, but I suppose it will help to have provincial support behind it. So, if I am allowed to.

Utilizing the National Film Board and the CBC, a documentary of historical, geographical and cultural differences and similarities of Canadians should be made. There are many ways such a project could be carried out. I believe this project should focus on different regions within the country and outline what makes these different regions special. While showing the differences between the regions, there should be an underlying theme which ties all the regions together.

These regions should not be provinces but geographical regions. This information could also be presented in a form that would support local tourism industries. The challenge would be to capture on film the heart and soul of each region and to do so in a manner that would promote a greater appreciation among Canadians for the regions in their country that they might not be familiar with.

Once this documentary is complete, what should be done with it? To really benefit national unity, the vast majority of Canadians should have an opportunity to view the program. In fact, more than just having the opportunity, Canadians should be encouraged to watch it. The entire purpose of the project is to develop in all Canadians an understanding and appreciation for the peoples who make up Canada.

Having a program viewed by all Canadians would be the biggest challenge in having this project reach a successful conclusion. For it is the people who are not generally interested in such a program who would gain the most insight from it. An increased national awareness and oneness would be the ultimate goal.

The question is really how to encourage people who are not interested to watch. This could be done by simply appealing to people's patriotism. However, a stronger method of encouragement would be to develop a national polling mechanism.

People could receive by mail blank response forms similar to Government educational test forms. Through an advertising campaign, people would be encouraged to view the proposed documentary and answer questions that would be put forth during the program. Their responses to the questions would be recorded on the forms and sent to Revenue Canada facilities for processing. This opportunity to voice their discontent with Government actions would encourage most Canadians to take part in the program. Not only would people feel less frustrated because of their increased involvement in Government, they would also gain an appreciation and knowledge of our country. The Government would also benefit by getting input from its people.

The administrative process needed to carry out the polling would be kept in place and continued to be used as described in Path to Prosperity. Finally, after the project has come to a conclusion, the documentary and its wealth of information could be used as a tool in the educational system. That is basically my presentation.

Mr. Chairman: Thank you, Mr. Grossman. Any questions? If you do not mind my asking, sir, are you a student?

Mr. Grossman: No.

Mr. Chairman: Some interesting concepts here, unlike what we have seen in most other presentations.

Mr. Grossman: I did not write the paper specifically for the task force, but those two points I believe were relevant, so I thought I would bring it up.

Mr. Chairman: Thank you again. Mr. Patrick Newbound. Good evening, sir.

Mr. Patrick Newbound (Private Citizen): Good evening. Mr. Chairman, some two years ago during the public hearings on the Meech Lake Accord, you heard my two alternatives of dealing with Quebec's aspirations stated in the Meech Lake Accord. At that time those alternatives must have sounded radical to say the least. However, since then those alternatives have become the platforms of both sides of the dilemma the Province of Quebec faces with its position in Canada, now that its secret agenda is openly on the table for the citizens of Canada to consider.

A year later, in April 1990, those alternatives were expanded in greater detail in my written presentation to the Charest committee. Naturally, they did not wish that presentation to be aired on the national news media. Last summer we all observed with scorn the pitiful demonstration of the executive branches of the federal and provincial Governments arrogantly ignoring 85 percent of the citizens of Canada. In our own province we witnessed a total cave-in of our political leaders, whipped publicly on national television. The delegation, which was under no obligation to stay, remained like masochists until they finally limped back to Winnipeg with the apparent sole objective of approving the Meech Lake Accord reneging on their prestated position to stand firm by the report on the public hearings of the Canadian citizens in Manitoba.

It is perfectly clear to all Manitobans that in the heat of the kitchen our political leaders wilted and failed its electorate. For the record, on the return of our political leaders to Winnipeg, as a member of People's Voice, I faxed the following advertisement to the each of the caucus offices: Wanted Alive. One MLA to vote against the quick passage of the Meech Lake Resolution and demand full process or a referendum.

Fortunately, for Canada's sake, Elijah Harper responded. Let us not fool ourselves. If Elijah had not stood firm, with MLAs of the Conservative and Liberal Parties under Party Whips, that resolution would have been passed, and your role today would not exist.

Let us not forget the historical fact that Meech Lake and/or constitutional changes were never at issue in the recent provincial election. Consequently, the electorate had no opportunity to challenge the views of the candidates prior to the provincial election. Accordingly, none of the Members sitting in the Manitoba Legislature today, including the Premier, has any mandate to represent his or her constituents on this subject. It is also perfectly clear that as an appointee of the provincial executive, these hearings will report a saleable view of Manitobans without necessarily representing the will of the Canadian citizens residing in Manitoba, including some of your own caucuses.

Historians will undoubtedly record that following the just defeat of the Meech Lake Accord, the Mohawk nation held a mirror to prime minister Bourassa at Oka. Effectively, they were saying, you think you are distinct society, what about us? We are all aware of prime minister Bourassa's response to this challenge. He did not hesitate to call in the army to quell an insurrection.

Mr. Chairman, I do not have to remind you of the recent statements of prime minister Bourassa and his executive Government, or of the statements of the federal Government Cabinet Ministers, or indeed the Prime Minister of Canada on the subject of the separation of the Province of Quebec from Canada. While the United Nations Charter provides for the self-determination of a people, to achieve those goals, it requires the establishment of a provisional government, with all the risks that that entails.

* (2240)

Under no circumstances can the duly elected provincial Government of a province of Canada take that role without the due process of law being applied. It begs the serious question as to why the Prime Minister has not acted with the appropriate dispatch to protect Canada. Could it be that he is trapped in a personal dilemma?

It would appear that the only lawful way for the Province of Quebec to secede from Canada would be to amend the Canada Act, 1982, with the consent of all provincial Legislatures, the House of Commons, the Senate, and the Governor-General. It should not be necessary for me to remind the executive of either the federal or provincial Governments that Section 52 of the Canada Act, 1982, clearly states that the Constitution of Canada is the supreme law of Canada, not the Governor-General or any federal or provincial Government. I suggest that any act or advocacy to alienate, outside of the Constitution of Canada, any province from Canada is illegal and those individuals responsible, no matter what office they hold, must be held accountable to the citizens of Canada.

As you well know, the Constitution of Canada replaced the sovereign of Canada from the Queen of England, to the collective rights of Canada's citizens vested in the state—the Constitution of Canada. The

fact that upon the enactment of the Canada Act in 1982, Canada completed its decolonization from England and became a republic in all but name is beyond doubt. While it is a fact of life, some politicians, seeking to exercise an imaginary power will deny the reality of continuing to amend the Constitution in the old colonial way.

While Canada became a republic in all but name in 1982, the Canada Act of 1982 failed to provide for the very necessary checks and balances on the executive of Government which must exist in any meaningful democracy. The need for these checks and balances in the absence of a Monarch were clearly recognized by the drafters of the United States Constitution. To argue that every four or five years, the Government of the Day can be rejected by the electorate is, to say the least, naive.

The United States Constitution provides an ongoing check on its president and the right to impeach the president is the ultimate control. In Canada, we have recently seen the Governor-General bow to the will of his appointer to stack the Senate, the only designed control of the federal executive Government, a clear demonstration of the abuse of the will of the nation by an unbridled power of the executive Government. The executive power of the federal and provincial Governments would have succeeded in approving the Meech Lake Accord against the national will but for the efforts of one elected legislator who trusted his constituents.

It is self evident that no American worth his salt would tolerate a Constitution that failed to provide for an accountability of their elected representatives on an ongoing basis. Perhaps in the early years, an emerging nation must adopt the concept of recall to restrain the often seen arrogance of elected representatives ignoring their constituents.

The failure of the Canada Act of 1982 to provide for an effective control on the executive power of federal and provincial Governments on constitutional changes causes in that particular area as much accountability as exists in Iraq, Lithuania or any Third World country. The result is in fact a dictatorship that should never be tolerated by free men.

Task force reports going back to the same executive Government can never substitute for the will of free men. It is self evident that the Spicer task force has been created to be the mother of all Meech Lakes. Free men should never tolerate replacing the proof of their consent by committee reports.

It is clearly evident that the federal Government is again attempting to bureaucratically manage constitutional change by redistribution of federal powers to the Province of Quebec, inducing the remaining provincial executives to agree by yielding federal powers to the other provinces by using the old colonial process. It should not be necessary for me to draw to your attention that this managed process is no longer acceptable to the citizens of Canada. There are no provisions in the Canada Act of 1982 which permit this process. A process that may have been acceptable as an administrative extension of the Parliament of England no longer applies.

Any changes to The Canada Act, 1982, are serious matters affecting future generations, and cannot be imposed without long, deliberate and serious consideration of the impact on those generations. The Prime Minister's indecent haste may be reflective of his shallow attitude towards democracy.

It is self-evident that the only amendment to The Canada Act, 1982, at this time, should be to provide for the creation of a constitutional assembly to draft in due course a new Constitution for Canada by the people, of the people, and for the people, to be ratified by the people's representatives reflecting the will of the nation as a whole. Such Constitution is the only document that will be acceptable to the citizens of Canada.

The constitutional assembly should be accountable to the citizens of Canada, not any executive Government. The costs of funding such assembly to be provided from federal revenues. Having lawfully created a constitutional assembly, the executive Government would be required to hold elections in each municipality from coast to coast, whereby interested persons would stand for election to the assembly. By its very nature, organizations, politicians, bureaucrats and academics would be specifically excluded.

Having elected the constitutional assembly, the assembly should organize across the country constitutional conferences limiting the attendance at such conferences of politicians and academics to not more than one sixth of each conference.

Bureaucrats must be excluded as they unquestionably are in a conflict of interest position. In this manner, the people can determine and decide what obvious checks and balances must be placed on the executive Government and its bureaucracy.

It is self-evident that in any nation, the entire collective rights of all citizens must be entrusted to, and rest in the custody of, the nation. This sacred trust cannot be violated by the executive Government and elitist bureaucrats. All changes to the Constitution must represent the nation's will.

While I am pleased to acknowledge that I am one of the founders of The People's Voice, the views that I have expressed to you tonight are my own personal thoughts on the most serious question facing Canada today and, perhaps, many tomorrows.

Mr. Chairman, I have a question to ask of you. I know there are millions of Canadians who would like to know the answer. Who, in all the executive Governments that are being paid by Canadian taxpayers' dollars, is speaking on behalf of Canada? I know I am, but who else? Thank you, Mr. Chairman.

Mr. Chairman: Thank you, Mr. Newbound. Are there any questions?

Ms. Friesen: I am just curious as to why you are excluding academics.

Mr. Newbound: I think frankly that academics will manipulate any average person and will frighten a lot of the average men in the street who have an equal right to participate in the future of this country.

Ms. Friesen: So academics are not men in the street and do not have a right to participate?

Mr. Newbound: Do you classify them as the average men in the street?

Ms. Friesen: Yes. I would not take away their citizenship for that reason.

Mr. Newbound: I would not take their citizenship away, but I think 90 percent of the population would not necessarily agree with you.

Ms. Friesen: Yes. Curious.

Mr. Newbound: I would prefer to go with the majority of the population.

Mr. Chairman: Any other questions? Thank you very much, Mr. Newbound.

Mr. Newbound: It was a pleasure. Thank you very much.

Mr. Chairman: Joanie Hales, Stanley Fox, Chief Frank Abraham, John and Janet Bailey, Laurie Todd.

That completes our agenda for this evening, ladies and gentlemen.

I want to thank you, those of you who are still remaining, those few of you, for your attendance and for your participation this evening. A special word to our viewers on Videon and Cablevision for your kindness in tuning in to us tonight and sharing with us the presentations, some very interesting presentations indeed, this evening.

° (2250)

I would just like to say, particularly to our television viewers that the final public hearing in this round, leaving open the question of whether there will be other rounds of public hearings of this task force, the final hearing will be tomorrow morning beginning at 9:30. It is planned to end at about noon tomorrow. So if you have a chance on television to tune in to us tomorrow morning, we would be happy to have you join us, as indeed anyone that is in the audience.

Good night and thank you again.

HEARING ADJOURNED AT: 10:51 p.m.